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ABSTRACT

This guide is designed to provide parents with the knowledge they need to ensure appropriate educational programs for students (ages 5-21) with disabilities. It describes the special education process, programs, services, and the rights of children with disabilities in New York State to a free appropriate public education in accordance with the Individuals with Disabilities Education Act of 1990. The guide has been revised to reflect changes in Education Law and Regulations of the Commissioner of Education made through March 1, 1992. Part I provides information related to the special education process, including a historical view of student rights, regular and special educational services, steps in the process from referral to triennial evaluation, due process procedures, and preparation for future education and employment opportunities. Part II is a practical handbook which includes suggestions for record keeping, participation in a parent/school partnership, and resource materials. At the end of each section, a summary of due process procedures relevant to that section is provided. A list of frequently used acronyms is provided, and lists of other resources are also presented, including New York State Early Childhood Direction Centers, special education training and resource centers, Office for Special Education Services (OSES) Regional Offices, and a checklist of publications available from the OSES. (JDD)

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A PARENT'S GUIDE TO SPECIAL EDUCATION FOR CHILDREN AGES 5-21

YOUR CHILD'S RIGHT TO AN EDUCATION IN NEW YORK STATE

NEW YORK
THE STATE OF LEARNING

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
OFFICE FOR SPECIAL EDUCATION SERVICES
ALBANY, NEW YORK 12234

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July 1992

TO: Parents, Committees on Special Education, Agencies, Organizations and Individuals Concerned with the Education of Students with Disabilities

FROM: Thomas B. Neveldine, Assistant Commissioner

SUBJECT: A Parent's Guide to Special Education for Children Ages 5-21

A Parent's Guide to Special Education for Children Ages 5-21: Your Child's Right to an Education in New York State describes the special education process, its programs and services, and the rights of children with disabilities to a free appropriate public education in accordance with the Individuals with Disabilities Education Act (IDEA) of 1990, formerly the Education of the Handicapped Act. It has been revised to reflect changes in Education Law and Regulations of the Commissioner of Education enacted since the last publication in 1990. This edition reflects changes made through March 1, 1992. Similar to the previous edition, Part I of this guide provides information related to the special education process. Part II of this guide is a practical handbook which includes suggestions for record keeping, participation in a parent/school partnership, due process assurances, and resource materials. Together they provide a complete reference for parents whether their child is at the referral stage or ready for a triennial review. The New York State Education Department will propose legislation and regulations, as necessary, to ensure compliance with the IDEA. Additional information will be available at a later date from this Office.

Chapter 194 of the Laws of 1991 requires Committees on Special Education (CSE) to provide parents of children with disabilities a handbook upon referral. The intent of this law is to fully inform parents so that they may be actively involved in the special education process. It is our sincere hope that *A Parent's Guide* will help to provide parents with the knowledge they need to ensure appropriate educational programs for students with disabilities.

Copies of *A Parent's Guide to Special Education* are available from the Office for Special Education Services and the Special Education Training and Resource Centers (SETRC). See the SETRC listing beginning on page 80 of this guidebook to identify the SETRC closest to you. If multiple copies are needed, please contact:

The New York State Education Department
The Office for Special Education Services (OSES)
The Division of Program Development
and Support Services
Education Building Annex, Room 1074
Albany, New York 12234
ATTN: Parent's Guide

A PARENT'S GUIDE TO SPECIAL EDUCATION FOR CHILDREN AGES 5-21

Your Child's Right to An Education in New York State

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office for Special Education Services
Albany, New York 12234

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To Parents

This guidebook is written for you as parents of children with disabilities between the ages of 5 and 21. It is intended to be a resource as you participate in your child's education program. As a parent of a child with a suspected or identified disability, it is most important that you are active in helping shape decisions about your child's educational program. In doing this, it will be helpful for you to know about the steps that must be followed in order for your child to receive special education programs and services. These steps are established in law and regulation and provide you and your child with certain guarantees. This guidebook will provide you with a description of the laws and regulations affecting the provision of special education to help you understand each step in the special education process. With this knowledge, you will be prepared to assume an active role in your child's education, one that involves collaboration with school district personnel in the development of an appropriate educational program.

Publishing this guidebook is one way of demonstrating the State Education Department's commitment to provide you with the information and assistance needed to understand your child's rights and to enable you to become a successful partner in your child's education. The Department hopes that the content and suggestions included in this guide will help your child benefit from a cooperative support system between home and school.

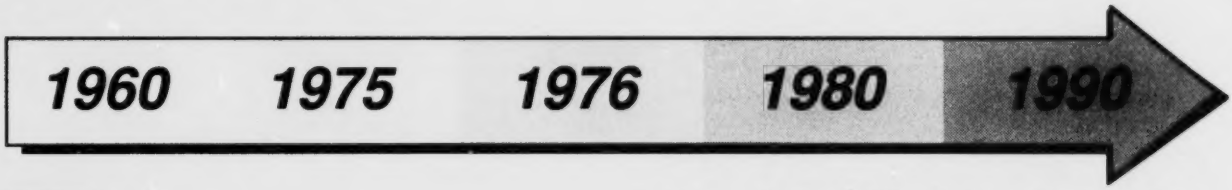
The first part of this manual provides information about the provision of educational programs for children with disabilities. At the end of each section a summary of due process procedures relevant to that section is provided. The second part of the guidebook provides ideas and suggestions to assist you in becoming partners in the educational process. There are suggestions for your participation, sample forms, record keeping ideas, and suggestions for parent-school cooperation.

PART I

A Reference for Parents on the Special Education Process in New York State

Introduction

Special education has undergone many changes since 1975 when Congress enacted the Education of All Handicapped Children Act. The overview that follows highlights the major initiatives to help parents in understanding the framework for obtaining appropriate educational services.



HISTORY

Until the 1960s, the care and education offered to persons with disabilities received little attention and was often inadequate. In response, parents and advocates began to turn to the courts to address the situation. In response to the rising tide of successful litigation recognizing the rights of persons with disabilities, Congress enacted legislation to assure that children with disabilities had equal access to education. Several laws were passed to address situations of neglect and inadequate provision of services for students with disabilities. This period of change paralleled other movements in this country which resulted in the expansion of civil rights.

Public Law 94-142 was signed in 1975 and greatly affected the provision of education for children with disabilities in the United States. It was a unique law that created and defined its purpose in very specific terms:

Concerns Addressed	Assurances
• unserved and unidentified children with disabilities;	• children with disabilities are entitled to a free appropriate public education;
• limited recourse for preventing or correcting improper decisions;	• the rights of children with disabilities and parents are protected;
• ineffective and inadequate programs and services;	• programs are evaluated for their effectiveness;
• limited local and State resources;	• requires local and state commitment of resources.

In New York State, since the late 1970s, revisions have been made in laws, regulations and guidelines for local school districts and agencies to provide and expand services to students with disabilities. These efforts resulted in revisions to the Part 200 Regulations of the Commissioner. A comprehensive system of educational services is now firmly established to meet the individual needs of children with disabilities. At the federal level, Public Laws 98-199, 99-372, 99-457 and 101-476 extended and revised P.L. 94-142, placing greater emphasis on the role of parents in the special education process.

The purpose of special education law and regulation is to ensure that each child with a disability has an equal opportunity to benefit from free public instruction.

Your child's rights include the following concepts:

- **The Right to a Free Public Education**

  Children in New York State, who reach the age of five on or before December 1 of that school year or later, as determined by school district policy, are eligible to attend the public schools in the district where they live without payment of tuition. Eligibility to attend school continues until receipt of a high school diploma or until the end of the school year in which a student turns twenty one, whichever is earlier. Students with disabilities who receive an Individualized Education Program (IEP) diploma or a local certificate remain eligible to attend school until the end of the school year in which they turn twenty-one.

- **The Right to a Free Appropriate Public Education**

  Students with disabilities are entitled to receive a free **appropriate** public education. The assurance that such students receive an "appropriate" education has important implications for children with disabilities. These students are entitled to receive an educational program that enables them to benefit educationally from the instruction provided. These educational programs are specifically designed for an individual stu-

dent with a disability and are periodically reviewed to determine whether they remain appropriate.

- **The Right to Education in the Least Restrictive Environment**

  The needs of many children with disabilities can be met in a public school setting with peers who are not disabled. Alternative programs should be considered only when the student's needs cannot be met within the regular school setting even with supplementary aids and services. All students with disabilities must have access to the total educational program as appropriate to their individual needs. The definition of the least restrictive environment encompasses three components for all children with disabilities:
  — appropriateness of programs and services for meeting student needs;
  — student involvement with nondisabled peers; and
  — closeness of school programs to home.

- **The Right to Equal Access and Due Process**

  Students with disabilities have certain rights protected by law. The right to challenge any recommendation encourages schools and parents to work together toward ensuring that students with disabilities receive a free appropriate education in the least restrictive environment. As partners in the process, both school officials and parents have a responsibility to consider the child's needs and to provide an education accordingly. If there is disagreement regarding a student's program, formal and informal procedures are available to maintain a fair process for resolution, including the right to an impartial hearing to be arranged by the Board of Education.

PARENTAL INVOLVEMENT

Laws for the education of children with disabilities have formally recognized the central role of parents in the special education process. However, laws and regulations go just so far. The success of any student's educational program relies on the active participation of all persons responsible for the student. Parent involvement is an essential ingredient. Although your level of participation may vary as your child proceeds through school, successful participation at any point will depend on:

- being fully informed about school programs and your child's rights;
- viewing your position as one of partnership with the school;
- a willingness to become involved and interested;
- providing support to educational programs;
- asking questions and voicing concerns to your child's teacher when you are unsure;
- communicating with your child about school; and
- maintaining current information about your child's educational program and progress.

The Starting Point—Regular Education

More than 90 percent of students with disabilities receive their education in public schools. The majority of these students participate in regular education classes and extracurricular activities and are capable of meeting diploma requirements. This has far-reaching implications for planning educational programs for students with disabilities. It also illustrates a very important concept — special education is one part of the total school program.

In the past, special education was viewed as a separate part of the school or district. Classes were physically separated from the rest of the school. Students in special education were not afforded the same opportunity to access curriculum. A lack of emphasis and awareness on how to coordinate programs kept teachers and students isolated. Both regular and special educators have worked diligently during recent years to change this practice. The concept of least restrictive environment has become important in promoting needed changes. Consideration of the least restrictive environment influences the short- and long-term decisions parents make about their children's education. It is important, therefore, to be knowledgeable about regular education **and** special education programs.

Free public education is provided by a local school district to eligible school-age students who reside in that district. This means that students who have reached the age of five on or before December 1 of a given school year, or later as determined by a school district, those who are under 21 years of age at the beginning of their last school year are entitled to instruction. Free public education ends when a student receives a high school diploma or when a student finishes the school year at age 21. In addition, students with disabilities who receive Individualized Education Program diplomas or local certificates may continue to attend school until the school year in which age 21 is attained. In New York State, all children between the ages of 6 and 16 are **required** to attend school on a full-time basis.

The following information is especially important in planning for the education of students who may require special education:

1) The availability of free instruction through age 21 provides an opportunity for all students, including students with disabilities, to receive an education. This means that high school students are eligible to pursue a diploma at public expense beyond age 18. The option to achieve minimum competencies and to acquire high school credit beyond a four-year time frame can help to ensure educational success.
2) Students with disabilities must have the opportunity to participate in the full range of programs and services available through regular education and special education. All students, including those with disabilities, should have access to programs that lead to a local or Regents diploma, consistent with the student's individual needs. These two types of diplomas are documents which signify that minimum standards have been achieved. This consideration is important in planning for the attainment of long-range student goals.
3) Although eligibility for public school education begins officially at age five, some school districts provide prekindergarten programs. Such programs available to preschoolers must also be available for preschoolers with disabilities.
4) In addition, students identified as having a disability first become eligible for a free appropriate public education at age three. Contact your local school district or Early Childhood Direction Center for information about preschool special education programs and services. A listing of Early Childhood Direction Centers is located in the **RESOURCE** section of this guidebook, page 80.
5) If parents voluntarily enroll their children in a school other than their local public school, the local public school is not required to pay for that education. However, if the public school places a student in a school or agency outside of the district for purposes of special education, the school is required to provide the program at no cost to the parent.
6) A student who attends a nonpublic school is entitled to special education services and programs if the local public school determines that the student has a disability and such programs and services are appropriate for the student. Parents who have enrolled their children in a nonpublic school may request an evaluation to determine the need for special education by making a referral to their district Committee on Special Education (CSE).

7) The school district has a responsibility to ensure that parents fully understand what actions it proposes to take to help your child in school. So that you fully understand what is being planned, school personnel must inform you of these actions in your primary language or mode of communication.

8) Students with disabilities who are placed with other State agencies, such as the Office of Mental Retardation and Developmental Disabilities (OMRDD), Office of Mental Health (OMH), or Department of Social Services (DSS), are entitled to special education programs as appropriate.

HOW DO REGULAR EDUCATION AND SPECIAL EDUCATION INTERACT?

All programs and services in the public schools must be available to students with disabilities. Students with disabilities can participate in as many regular education programs and services as appropriate, dependent on the nature and degree of the disability. It is a goal of special education programs to include students with disabilities in regular education programs and services as much as possible. The Committee on Special Education (CSE) and building principals work together with parents to ensure that this interaction occurs.

WHAT IS PUBLIC SCHOOL EDUCATION?

Public schools may offer a wide range of programs to their students. The following describes some of the programs or services that schools offer. However, the range of services available will vary among school districts. It is important to become familiar with the programs that your district has and know how special and regular education work together.

Evaluation Services (mandatory)

- academic screening for new entrants
- statewide and local achievement tests
- physical/health examinations

Support Services (discretionary)

- counseling
- school nurse service
- social work services
- crisis intervention programs
- library services
- speech and language improvement services
- educationally related support service
- declassification support services

Instructional Services (mandatory)

- academic classes in core subject areas
- occupational education classes
- remedial instruction
- physical education (including adaptive physical education)
- special education programs and related services
- alternative programs for special populations, such as gifted and talented, high risk, low achievers, speakers of other languages, etc.
- health, art, music, second language and other special subject areas

Nonacademic and Extracurricular Activities (discretionary)

- lunch
- recess
- clubs
- intramural and interscholastic sports
- field trips
- plays, assemblies, organized events.

Evaluation Services include the following:

Screening Programs. New entrants to public schools must be screened to identify those students who are gifted or who have educational disabilities. In addition, students who score below certain levels on statewide tests must be screened. The results of the screenings are included in a written report which is reviewed by school personnel for possible recommendation of services. This screening is a preliminary assessment in the areas of receptive and expressive language, articulation, physical development, motor development and cognitive development. It must also include a health examination. Scoliosis screenings are required in certain grades.

Testing Programs. Statewide tests are required to demonstrate knowledge and skills in academic areas. New York State's testing program is comprehensive and provides checkpoints to assess student progress. Students are expected to participate in these programs and demonstrate knowledge and skills that reflect required competencies. Alternative testing techniques, such as lengthened test time or alternate room arrangements, are available for students with disabilities to allow every opportunity to demonstrate acquired skills and knowledge. Alternative testing techniques, where appropriate, must be included on the student's Individualized Education Program (IEP).

A summary of statewide tests is presented below:

GRADE	TEST	AREA
3	Pupil Evaluation Program (PEP)	Math, Reading
5	Pupil Evaluation Program (PEP)	Writing
6	Pupil Evaluation Program (PEP)	Math, Reading
by end of Grade 6	Program Evaluation Test (PET)	Science
8	Program Evaluation Test (PET)	Social Studies
8-9	Preliminary Competency Tests (PCT)	Reading, Writing
8	Proficiency Examinations	Second Language
9	Regents Competency Test (RCT)	Math
9	Regents Competency Test (RCT)	Science
9-12	Proficiency Examinations	Occupational Education
9-12	Regents Examinations	Various Subject Areas
10	Regent Competency Test (RCT)	Global Studies
11	Regents Competency Test (RCT)	American History and Government
11-12	Regents Competency Test (RCT)	Reading, Writing

Students with disabilities must be offered equal opportunities to participate in the Statewide testing program with their nondisabled peers. Special education is specifically designed to maximize the opportunities of each student with a disability by providing small group instruction specifically designed to address the individual needs of the student.

Another Approach—Special Education

Education must keep pace with our changing society. New educational initiatives help students receive the instruction needed to successfully prepare them for lifetime endeavors. Providing a wide range of programs that offer students instruction according to their abilities, using alternate teaching methods and providing alternative educational programs are some of the important educational initiatives. Many districts have open classrooms, programs for the gifted and talented, incentives for high-risk students, and other nontraditional services. The goal of such initiatives is to provide students with options that more appropriately address their needs and capabilities.

It is not uncommon for students to experience some difficulty during their educational years. At such times, teachers modify curriculum or provide additional instruction, remediation or support services. Such adjustments enable students to maintain progress within the regular education setting. Special education is another strategy to ensure that students with disabilities have access to education.

Special education provides specially designed services and programs for children with educational disabilities. It is intended to meet individual needs and enhance strengths. Students and parents are introduced to special education in various ways. Some disabilities can be identified when children are very young. Others are not identified until children show difficulty in regular school programs. Special education programs and services are designed to assure that children with disabilities receive appropriate and equal opportunities for educational growth up to age 21.

In New York State, the provision of special education is set forth in Sections 4401 through 4410 of the Education Law and Part 200 of the Regulations of the Commissioner of Education. The law and regulations establish the procedures for developing individualized educational programs that follow federal requirements and, most importantly, protects the integrity of educational programming for children with disabilities.

WHAT IS THE SPECIAL EDUCATION PROCESS?

The need for special education for students ages 5-21 is determined in the following manner:

- Students thought to be educationally disabled are **REFERRED** to a multidisciplinary team called the Committee on Special Education (CSE).
- The CSE **EVALUATES** students' abilities.
- The CSE **RECOMMENDS** an appropriate Individualized Education Program (IEP) based on evaluation results.
- The program is **IMPLEMENTED** upon Board of Education and parental approval.
- The IEP is modified or adjusted by the CSE at an **ANNUAL REVIEW**.
- The student has a **TRIENNIAL EVALUATION** (every three years) to assure that the IEP is the appropriate educational plan, and that the student continues to require special education programs and services.

The process occurs sequentially with each step building on the previous one. In this way, comprehensive information regarding the student is obtained and considered. Timelines are in place so that delays are avoided. Parents are an integral part of this process and your involvement is encouraged. The Practical Handbook Section is included in this guide to provide suggestions for your involvement and to encourage your active and informed participation. The Practical Handbook is organized to correspond to the special education process explained above.

WHO IS INVOLVED IN THE PROVISION OF SPECIAL EDUCATION?

Many people with different responsibilities are involved throughout the process. Each person's success in fulfilling his or her responsibilities affects the timely completion of tasks and the thoroughness of program planning.

The key decision-makers in the special education process are:

- **the parent or guardian;**
- **the child, when appropriate;**
- **the Board of Education/Trustees;**
- **members of the Committees and Subcommittees on Special Education**
- **educational administrators;**

- **teachers; and**
- **support staff.**

The **parent or legal guardian** of the child plays an important part in special education. Parental participation is always encouraged and some activities cannot take place without your approval. Schools must fully inform you of special education activities and offer the opportunity for your participation in meetings. You are asked to provide initial consent to certain proposed actions and may exercise due process rights if disagreements arise. These parental responsibilities are formalized in Federal and State laws and regulations. However, your *informal* role may be just as important in ensuring an appropriate educational program for your child. Informal responsibilities may include:

- Consistently following your child's educational development
- Preparing for meetings
- Making sure that you receive required notices and current information
- Keeping records of letters and contacts
- Maintaining a current file on your child's school progress.

Your initiatives to be involved will help build a true partnership with the school. In some cases, the parent or guardian of a child with a disability is unknown or unavailable. The district is then obligated to appoint an appropriate adult to serve in the role of the biological parent or guardian in educational matters. This individual is called a **surrogate parent** and ensures equal educational protection and support for the child in the parent's absence.

In New York State, the **Board of Education** (BOE) or **Trustees** is responsible for education in the school district. This includes providing instruction for children with disabilities. The Board of Education must conduct a census to identify all children with disabilities who reside in the district. It must maintain a register of children with disabilities entitled to attend the schools of the district. The BOE/Trustees must also appoint the Committees on Special Education and subcommittees, where appropriate, establish written policy regarding the provision of special education programs and services, and approve program recommendations. The BOE also must maintain lists of impartial hearing officers, surrogate parents and approved preschool special education programs.

The **Committee on Special Education** (CSE) is a multidisciplinary team that coordinates evaluations and recommends programs and services for children with disabilities. This group works to ensure that the child's needs are considered from all viewpoints. Decisions made through a multidisciplinary team process are based on information, encompass a wide range of ideas and consider many alternatives in the process.

The Committee on Special Education has several responsibilities in the special education process. Major duties include reviewing referrals, conducting and arranging evaluations, and recommending appropriate programs for children with disabilities. The CSE also reports to the Board of Education on the status of special education and is responsible for notifying parents of meetings to review the child's program or placement.

The membership and responsibilities of the Committee on Special Education are described in Section 4402 of Education Law and specified in the Part 200 Regulations of the Commissioner. The Board of Education of each district is required to appoint at least five members to each Committee. The required members are as follows:

- The student's teacher;
- A school psychologist;
- A representative of the school district who is qualified to provide, administer or supervise special education;
- The school physician (membership is mandatory but actual attendance at each meeting is requested by the parent or the CSE in advance);
- A parent of a child with a disability residing in the school district;
- In addition to the mandated members, the district may include other persons whom it feels may be helpful to the team, such as guidance counselors, school nurses, social workers, related service personnel, school administrators, and other professionals, such as vocational rehabilitation counselors, may also be invited to participate. Parents may be accompanied to meetings by persons of their choice.

The Board of Education may appoint more than one Committee on Special Education to ensure the timely evaluation and placement of students. In addition, in a city school district of cities having a population over 125,000 inhabitants, the Board is required to appoint subcommittees on Special Education to the extent necessary to ensure timely evaluations and placements. The subcommittee membership includes the child's teacher, a representative of the school district who is qualified to provide, administer or supervise special education and a school psychologist whenever a new psychological evaluation is reviewed or a change to a more restrictive educational program is considered. Subcommittees must refer matters back to the main Committees to resolve parent/school disagreements.

Several **educational administrators** may be involved

with the provision of services to children with disabilities including:

- **Superintendents of Schools.** They may recommend policy to the Board of Education, including policy related to special education. Superintendents are also responsible for assuring that school board policies and procedures are fully implemented.
- **Central Office Administrators.** Directors and Assistants for Special Education, Pupil Personnel Services, Elementary and Secondary Instruction, Transportation, and Finance usually participate in areas related to special education. Input may range from staff assignments and scheduling to arranging for student placement and evaluating program effectiveness.
- **Building Level Administrators.** To ensure coordination, school principals, assistant principals, deans, and department coordinators often contact parents, communicate with teachers and assist students with disabilities. Building level administrators can offer direct support and assistance in answering questions related to day-to-day instruction and school concerns. These individuals are sometimes more familiar to the parent, and may be used as a resource for information on special education.

Many other people, including **teachers and support staff**, may also be involved with your child's special education program. Special education teachers, regular education teachers, teaching assistants, teacher aides, related services personnel, psychologists, social workers, guidance counselors, reading specialists, school nurses, custodial staff, office personnel, or other adults help students during the course of a school day. These people may be requested to provide information, assistance or services to supplement the child's educational program.

In addition, New York State's educational system requires that both regular and special education staff work cooperatively to provide programs for students with disabilities. Regular education teachers who have students with disabilities placed in their classes are responsible for understanding student's needs and modifying materials and instructional techniques, required to enable the student to benefit from instruction. In addition, special education services are available to assist regular education teachers in providing instruction to students with disabilities in their classrooms.

HOW IS SPECIAL EDUCATION PROVIDED TO SCHOOL-AGE CHILDREN?

The process of providing special education to eligible students (5-21 years old) consists of specific steps which have been mentioned previously. The major steps are **referral, evaluation, recommendation, implementation, annual review,** and **triennial evaluation**. For students who have not been previously identified as having a disability:

- Referral, evaluation and recommendation must be completed within 30 school days after parental consent to evaluate is received or 40 schools days from receipt of referral, whichever period ends earlier.
- Implementation of your child's program must begin within 30 school days of the recommendation.

After this time, the student's progress is reviewed at least annually by the CSE, and the student is reevaluated every three years.

It is important for you to ask questions of teachers, administrators and other school staff about the provision of special education. The general description provided thus far outlines State requirements. The specific steps will be detailed in the next several pages. However, at times, there may be additional requirements for districts as the result of Board policy or judicial decrees and decisions. If you have questions, it is important that you seek the answers. Obtaining the necessary information will reinforce the home/school partnership for the benefit of your child's education.

WHAT RESOURCES ARE AVAILABLE TO HELP PARENTS UNDERSTAND THE SPECIAL EDUCATION PROCESS?

Your local school district offers important resources for understanding how the special education process affects your child. It is important for you to ask questions of teachers, administrators and other school staff about the provision of special education and about the particular needs of your child.

In addition to your local school, the Office for Special Education Services (OSES) has offices in five regions of the State and a central office in Albany. Staff are available to provide parents with information and assistance regarding the laws and regulations governing special education. Regional staff are also available to answer specific questions about the needs of your child and the provision of special education programs and services. You can contact these offices with concerns or complaints that you have not been able to settle at the local level. Regional staff are able to explain your rights and assist you in settling your disagreements with the school. Regional Associates are required to respond to your requests in a timely manner.

Another resource available to you is the Special Education Training and Resource Center (SETRC) network. These centers operate in 52 locations across the

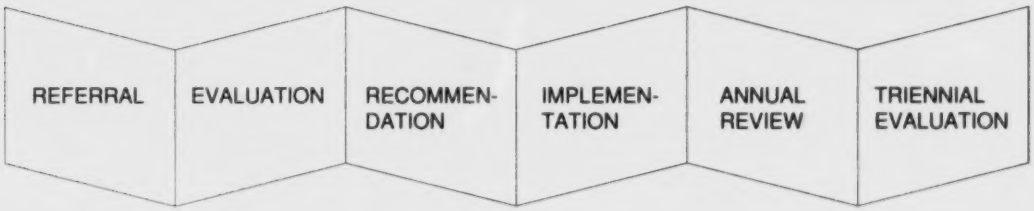
State. Each SETRC has at least one training specialist who is an experienced special education teacher or administrator. SETRC trainers are available to answer general questions and provide you with resource material and information on special education. SETRC is also responsible to provide training to a variety of individuals, including parents, on topics and issues related to special education.

Addresses and telephone numbers for the central and regional offices of the Office for Special Education Services and the SETRCs can be found in the **RESOURCE** section of this book, page 81.

WHAT COMMUNITY RESOURCES ARE AVAILABLE TO HELP PARENTS?

Your local CSE, while focusing on the development of a special education program that will meet the needs of your child, can also provide assistance in locating support services in the community for you and your family. State agencies such as the Office of Mental Retardation and Developmental Disabilities, the Office of Mental Health and the Department of Social Services can provide services directed at helping families handle the day-to-day problems that may occur as a result of having a family member with a disability. Additional information and a listing of these agencies is provided in the **PLANNING AHEAD** section of this manual, page 41.

The Special Education Process for Children and Youth 5-21



STEP 1
Referral: Identifying Children Who May Need Special Education

STEP 2
Evaluation: Collecting Information Through Assessment

STEP 3
Recommendation: A Plan for Children's Needs

STEP 4
Implementation: Arranging for Programs and Services

STEP 5
Annual Review: Updating the Program

STEP 6
Triennial Evaluation: Updating Tests and Evaluative Information

STEP 1

Referral: Identifying Children Who May Need Special Education

WHAT IS A REFERRAL?

A referral for evaluation and special education is initiated by a written request sent to the Committee on Special Education or the building administrator. It indicates that the person submitting the referral believes your child may have a disability that adversely affects educational performance. A referral to the CSE does not necessarily mean that your child has a disability. It signals that your child is having learning difficulties and that the person making the referral is concerned that the problem may be due to a disability.

WHO CAN MAKE A REFERRAL?

The following persons can make a referral to the Committee on Special Education:

- A child's parent or person in parental relationship.
- A professional staff member of the school district in which the child resides or the public or private school the child legally attends.
- A licensed physician.
- A judicial officer.
- The commissioner or designee of a public agency with responsibility for welfare, health or education of children.
- An individual, on his or her own behalf, if he or she is 18 years of age or older, or an emancipated minor.

WHAT SHOULD BE IN A REFERRAL?

Each referral must be in writing. The specific content of the referral depends on the source of the referral.

- A referral by a parent, a judicial officer or the student should include the reason for submitting the referral and any details which describe the areas of difficulty.
- A referral made by a professional staff member of the child's school, a licensed physician, or either a commissioner or designee of a public agency, must include the following:
  - — the reason for believing that an educational disability exists;
  - — any test results, records or reports upon which the referral is based;
  - — a description of the attempts to remediate the child's performance prior to the referral or a statement of the reasons why no such attempts were made; and
  - — a description of the extent of parental contact or involvement prior to the referral.

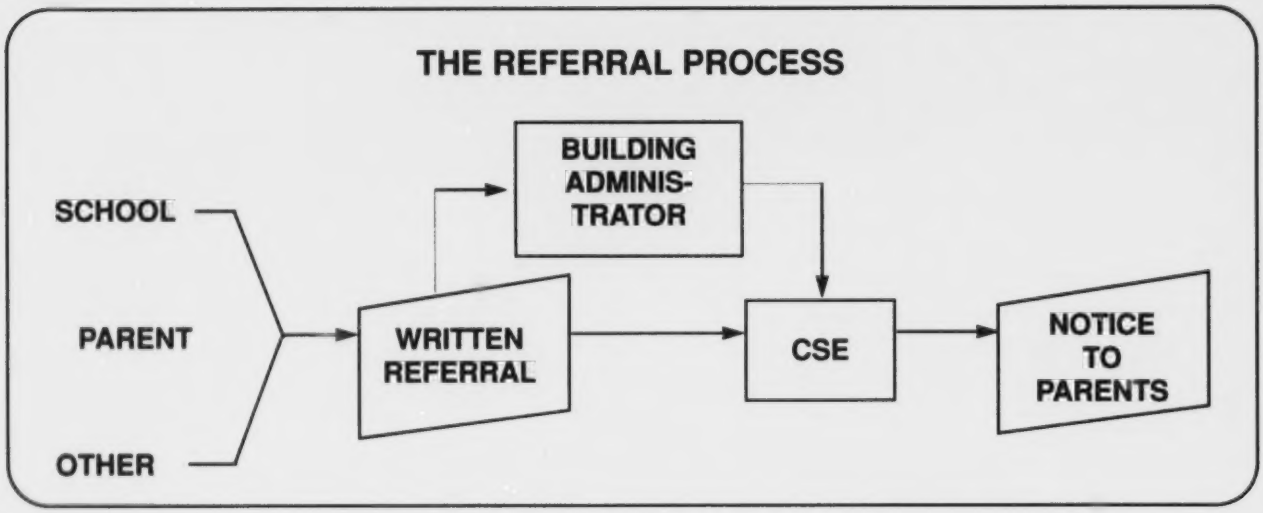
HOW IS A REFERRAL SUBMITTED?

The referral may be sent to the building administrator of the child's school or to the chairperson of the Committee on Special Education.

- If the chairperson receives the referral, he or she must immediately notify the parents that a referral has been received and that evaluative information is being sought regarding the child. A copy of the referral is sent to the building administrator within five school days.
- If the building administrator first receives the referral, he or she must forward it immediately to the chairperson of the CSE. The chairperson must notify the parents immediately.

BUILDING ADMINISTRATOR'S ROLE IN THE REFERRAL PROCESS

The building administrator may request a meeting with



the parents to determine if their child would benefit from alternatives to special education. At the meeting, various services that are available as part of regular education should be discussed. If both the parents and building administrator decide to use an alternative to special education, the referral to the CSE may be withdrawn by a written agreement. Unless a written agreement is received, the CSE must continue with the process within the timelines established by regulations.

☑ PARENTAL ASSURANCES DURING STEP 1: REFERRAL

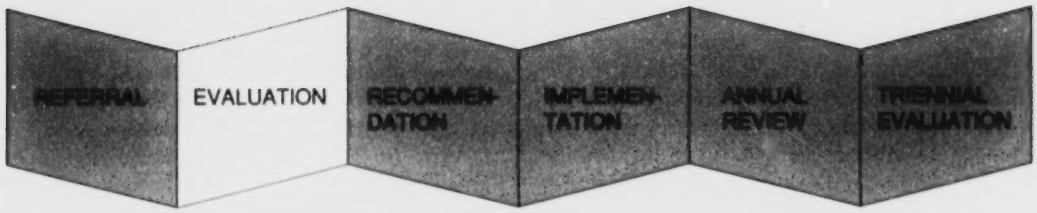
When your child is referred to the Committee on Special Education, you are notified in writing. The notice will include your right to:

- — have information about the proposed evaluation and how the CSE may use the information;
- — inspect your child's school files, records, and reports and make copies at a reasonable cost;
- — attend any meetings of the CSE;
- — request the physicians's attendance at the meeting;
- — bring others to the meeting;
- — submit additional information for the CSE's consideration;
- — obtain an independent evaluation;
- — obtain an impartial hearing;
- — appeal the decision from the impartial hearing to the State Review Officer of the State Education Department;
- — receive free or low cost legal services and a listing where those services can be obtained;
- — have your child remain in the current educational placement during formal due process proceedings, unless both parties agree otherwise; and
- — be advised that, as parents, you may be awarded reimbursement for attorney's fees if you prevail in administrative proceedings or litigation.

In addition to the above rights, if your child is being referred to special education for the first time, the notice will also:

- — inform you of your right to consent or withhold consent for the initial evaluation or placement of your child;
- — request your consent to the proposed evaluation;
- — tell you that during an impartial hearing or appeal to the State Review Officer, your child will not be evaluated unless you and the Board of Education agree to do so; and
- — tell you that your child will stay in his/her current placement during an impartial hearing or appeal unless you and the Board of Education agree to another placement. If your child is being admitted to public school for the first time, then he/she will be placed in the public school program until all such proceedings are completed.

All notices must describe other options considered and explain why the proposed action was considered. All notices must be provided to you in a way that is clearly understood by you. Although the notices may seem lengthy and, at times, highly technical, they are important because they inform you of your rights under the law. If your child received special education before entering school, your child should continue to receive a program as similar as possible to the one provided under the last IEP. If there is any part of this notice which you do not understand, contact your building principal or CSE chairperson.



STEP 2

Evaluation: Collecting Information Through Tests

WHAT IS THE PURPOSE OF EVALUATION?

Following a referral to the CSE, and with written parental permission, an individual evaluation is conducted. This means that formal tests, observations and assessments take place. The results help to determine if special education is needed. They also help to determine whether factors unrelated to disabilities are affecting your child's school performance. Evaluation results provide information that is useful for determining or modifying your child's program, if needed.

WHY IS PARENTAL CONSENT NECESSARY FOR EVALUATION?

Request for consent for evaluation should not be misinterpreted as a decision that your child has a disability. Rather, it is a means of assuring that you have full knowledge of school actions and of involving you in the decision making process. It is important that you fully understand the reasons for an individual evaluation so that you feel comfortable with the decisions that you make.

If you have questions about the purpose or type of evaluation proposed, or if you do not want your child evaluated, you may request an informal conference. This conference may be held with the Committee, other professionals familiar with the proposed evaluation, the person who referred the pupil, and an advisor of your choice. The conference may ease your concerns about the proposed evaluation. Such meetings may also result in an agreement between the person who made the referral and you to withdraw the referral. If agreement regarding your child's evaluation cannot be reached, your child's school is required to initiate an impartial hearing for a determination from a hearing officer whether to waive parental consent and proceed to an evaluation.

WHAT IS INCLUDED IN THE EVALUATION?

The evaluation is conducted on an individual basis and must be a comprehensive assessment of your child's skills and abilities. The evaluation must include a physical examination, an individual psychological evaluation, (where determined to be necessary by a school psychologist), a social history, an observation of the student in the classroom, and appropriate educational evaluations and assessments relating to the areas of the suspected disability. For students with limited English proficiency, a bilingual assessment must also be done. The results are used to determine what your child's individual needs are and if your child has a disability. For a child who is being placed in special education for the first time, the evaluation will lead to the development of an Individualized Education Program (IEP). If your child has been in special education before, the evaluation may also be used as a way to modify your child's current program.

WHO CONDUCTS THE EVALUATION?

The evaluation must be conducted by a team of persons in order to provide a comprehensive assessment. By using a team approach, information in key areas can be gathered in several ways. Depending on the kinds of learning problems that have been experienced by a student, school psychologists, physicians, teachers, speech therapists, social workers, educational evaluators and others may be involved to gather information in areas regarding academic achievement, learning characteristics, social development, physical development, and management needs. The focus of the total assessment is on determining your child's educational performance.

HOW AND WHEN DOES THE EVALUATION OCCUR?

The evaluation must be completed within 30 school days from receipt of consent or within 40 school days of receipt of referral, whichever is earlier. The timelines are established to ensure your child is provided with an appropriate program as soon as possible. Open and ongo-

ing communications between home and school prevent unnecessary delays. Questions that arise or information that is unclear should be clarified as soon as possible. If a specific situation prevents timelines from being met, the reasons should be documented for future reference.

After parental consent is given, the Committee on Special Education begins the evaluation as described in the notice. The Committee is responsible for making all the arrangements. As a parent, you have the right to bring or send additional information about your child to the Committee. This information must be considered by the Committee in its recommendations. When all the information about your child has been gathered, the Committee, with your involvement, will begin developing its recommendation.

The following table provides an overview of the types of evaluations and the persons who may be responsible for completing these tests. The types of evaluations given in your district are included as part of the notice about referral and proposed evaluation. All tests and other assessment procedures must be provided and administered in your child's dominant language or other form of communication, unless it is clearly not feasible to do so.

COMPONENTS OF A COMPREHENSIVE EVALUATION

TYPE OF EVALUATION	AREAS THAT MAY BE ASSESSED	STAFF WHO MIGHT CONDUCT EVALUATIONS
Physical Examination	Vision, hearing, physical development, medical needs, and physical factors which affect school progress.	School physician Nurse practitioner Physician's assistant
Psychological Assessment and Psychological Evaluation (as deemed necessary by the school psychologist)	General intelligence, learning strengths and weaknesses, instructional needs, social interactions and relationships.	School psychologist
Social History	Social development, current social interactions, factors within home, school and community which may contribute to student's difficulties.	Social worker Guidance counselor School psychologist School administrator School nurse
Observation in the Classroom	Performance in the current educational setting, relationship to teachers and other students, learning styles, and attention span.	School administrator Teacher Reading specialist Guidance counselor CSE member School psychologist
Appropriate Educational Evaluations	Educational achievement, learning strengths and weaknesses, vocational and academic needs.	Teachers Reading specialist Guidance counselors Vocational counselors
Assessments in all areas relating to the suspected disability	Specific assessments relating to health, vision, hearing, social-emotional development, general intelligence, communication skills, motor abilities, and academic performance.	School nurse Speech therapist Audiologist Physical therapist Occupational therapist Specialist with knowledge in area of suspected disability
Vocational Assessment	Possible areas of future employment; work-related skills, interests.	Counselors Psychologists Work-site evaluators Vocational counselors Rehabilitation counselors

INDEPENDENT EVALUATION

Parents and school personnel work together to ensure that the evaluation is comprehensive and useful in decisions about each child's education. However, you, as the child's parent, may decide that the evaluation conducted by the Committee on Special Education is not appropriate, or you may disagree with the results of the evaluation. In these instances, you have the right to obtain an independent evaluation. The chairperson of the CSE should be informed of your concerns about existing evaluations when you request an independent evaluation. This will provide the CSE with an opportunity to consider your child's need for additional evaluations. Upon request, the CSE must provide you with the names, addresses and telephone numbers of public and private agencies or professionals who conduct independent evaluations. A school district may limit the cost, the qualifications and the geographic location of the independent evaluators upon proper notice to the parent.

The independent evaluation will be conducted at public expense unless the school district initiates an impartial hearing to show that the district evaluation is appropriate. If the impartial hearing officer determines that the district's evaluation is appropriate, you may still obtain an independent evaluation but the school district will not be responsible for the expense. In summary, you may obtain an independent evaluation at any time, but, if the district chooses, it may contest its obligation to pay for it by initiating an impartial hearing and establishing the adequacy of its evaluation.

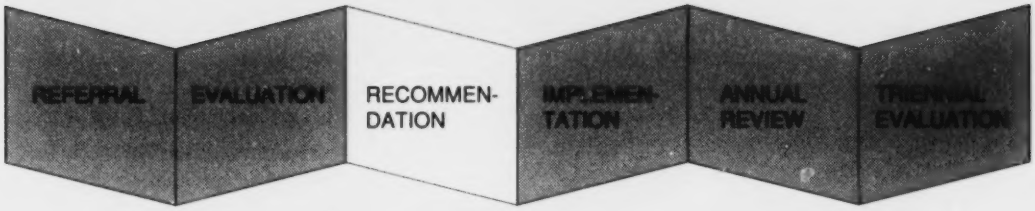
☑ PARENTAL ASSURANCES DURING STEP 2: EVALUATION

Throughout the evaluation process, parents receive many assurances from the school district. These include:

- Prior notification of the need to evaluate your child, a description of the proposed evaluation and its intended purpose.
- The opportunity to give consent, to withhold consent or to request an informal conference, regarding an initial evaluation.
- Information on specific areas of educational need.
- The opportunity to provide information for the evaluation.
- A complete evaluation and recommendation within 30 school days from the time of your consent, or within 40 days of the referral, whichever is earlier.
- A list of resources where independent evaluations can be obtained, if you request it.
- Information provided to you in your dominant language or mode of communication.
- Protection of your child's confidential records. School districts must follow Federal law requirements protecting the privacy rights of students. You have the right to review your child's records and make copies at a reasonable cost.
- A description of your due process rights, which include the right to obtain a hearing, to appeal the decision, to obtain free or low cost legal assistance, to have your child stay in the current placement, and to obtain attorney's fees for special education disputes in which you prevail.
- Assessment of your child in all areas related to the suspected disability.

Additionally, all tests and other assessment procedures must use:

- Tests which are non-biased and administered in your child's dominant language or other mode of communication unless it is clearly not feasible to do so.
- Appropriate methods for assessing various skills of children with impaired sensory, manual or speaking skills will be used. The method of testing should not interfere with your child's ability to demonstrate skills or knowledge.
- More than one specialist in the evaluation, including at least one teacher or other specialist with knowledge in the area of the suspected disability.
- Trained personnel who are appropriate for analyzing the suspected problem to administer tests.



STEP 3

Recommendation: Suggesting Solutions to Address Children's Needs

WHAT IS THE RECOMMENDATION?

The recommendation is a written statement developed by the Committee on Special Education (CSE) that addresses the individual educational needs of your child. As a parent, you are invited to CSE meetings and encouraged to participate in developing the recommendation with the CSE.

Based on the results of the comprehensive evaluation and other pertinent information about your child, members of the CSE, you, the parents, and other persons you invite to meet to decide what the recommendation will be. If your child does not require special education, the CSE will forward copies of the recommendation to you, the building administrator and the Board of Education. It will state the CSE's findings and may recommend that other educational services, such as speech and language improvement services, be considered. The building administrator will determine what, if any, educationally related support services should be provided to your child.

If your child requires special education, the recommendation will identify the disability; describe your child's strengths and areas of need; list goals that your child should reach in a year's time; include short-term instructional objectives which represent a series of skills to be mastered or major accomplishments to be gained that will lead toward reaching the annual goals; and, identify the types of programs and services, including regular education, that your child will receive. All of this information will be included on your child's Individualized Education Program (IEP). Copies of the recommendation are sent to the Board of Education for approval. You will also be sent a copy of the IEP for your records.

WHO IS INVOLVED IN DEVELOPING YOUR CHILD'S IEP RECOMMENDATION?

People knowledgeable about education and instruction for your child will be involved in the recommendation process. Their participation may occur in meetings, through written reports, informal conferences or by telephone. The Committee on Special Education must review evaluation data to develop an appropriate recommendation. The following list highlights those people most often involved in developing recommendations for students referred to the Committee on Special Education:

- **Parents of the student**—As a parent or legal guardian, your participation is extremely important. Your ability to provide additional information, attend meetings and offer opinions about the recommendation will be important for decisions regarding your child's program.
- **Student**—If appropriate, a student may attend CSE meetings to develop the recommendation. While careful consideration should be given beforehand as to whether it would be appropriate for your child to attend, at the secondary level, it may be important for the student to participate in the development of the program recommendation.
- **Committee on Special Education**—The mandated members of the CSE include the child's teacher, a district representative who is qualified to provide, administer or supervise special education, a school psychologist, a parent who has a child with a disability and who lives in the district, and a physician. The physician is not required to attend each CSE meeting; the physician is only required to attend if requested by the other members of the CSE or by the parent at least 72 hours before the meeting. All mandated members must attend CSE meetings, including the physician if his or her presence is requested. In addition to mandated Committee members, the Board of Education may appoint other persons to serve on the Committee. The participation of all members provides a wide range of viewpoints and expertise. The attendance at IEP meetings must be kept.

- **Teacher**—The student's teacher is a member of the CSE and must attend all meetings. The teacher provides the CSE firsthand knowledge of the student's strengths and weaknesses in the school environment. For initial placement in special education, the teacher may be the current regular education teacher or a teacher qualified to provide special education in the area of the student's suspected disability. For a student already receiving special education, the teacher could be the professional providing the special education program. The teacher could also be your child's regular education teacher. If the child is not in school, the district may designate which teacher should attend.
- **Representatives from other agencies**—If it is anticipated that the student will attend an agency or school outside his or her home school district, or if the student resides in a facility operated by a State department or agency, a representative of that agency or school is given the opportunity to participate in the process.
- **Other school personnel**—Other persons designated by the school may attend CSE meetings. Such persons may include related service providers, school nurses, administrators, guidance counselors, or other appropriate teachers.
- **Other persons invited by the parents**—You may invite others to accompany you to CSE meetings. These persons may be helpful in presenting information, providing support to you during the meeting or assisting in the decision-making process. Such people could be parent advocates, friends, case workers, clergy, specialists knowledgeable about your child, or any other person you think may be helpful to you at the meeting.

HOW AND WHEN IS THE RECOMMENDATION MADE?

The Committee on Special Education must develop an initial recommendation within 30 school days of parental consent to evaluate the child or within 40 school days of receipt of referral, whichever is earlier.

In formulating its recommendation, the Committee on Special Education, you and others will discuss the evaluation and any additional information that has been submitted. The first thing that will be decided is if your child has an educational disability that adversely affects his or her educational performance. The following list describes, in general terms, the classifications used in specifying a student's disability. More exact definitions can be found in Section 200.1(ff) of the Regulations of the Commissioner of Education.

CLASSIFICATIONS	DEFINITIONS OF THE DISABILITY
Autistic	Autism is a behaviorally defined syndrome which may occur in children of all levels of intelligence. There is usually difficulty in responding to people, events and objects. Responses to sensations of light, sound and feeling may be exaggerated and delayed speech and language skills may be demonstrated. These difficulties are usually observed before two and one-half years of age.
Emotionally Disturbed	Such students have difficulties in school that cannot be explained by intellectual, sensory or health factors. Over a long period of time, the student is usually unable to build satisfactory relationships, may be generally unhappy, may develop physical symptoms or have fears associated with his or her school experience, or have inappropriate behaviors or feelings.
Learning Disabled	These students have a psychological processing disorder that causes them to have a problem in understanding or using language. A child who is learning disabled has difficulty listening, thinking, speaking, reading, writing, or doing arithmetic. This child is learning at only about half or less than half of the level expected for him or her in that subject or skill area. A learning disability is not primarily due to a physical, mental or emotional disability or to environmental, cultural or economic reasons.
Mentally Retarded	These students have a general intellectual functioning level that is 1.5 or more standard deviations below the general population. This is determined by a comprehensive evaluation, which must include an individual psychological evaluation.

continued on next page

Deaf	A student who is deaf has a hearing loss of hearing so severe that it prevents processing linguistic information through hearing. The severity of this hearing loss usually necessitates the use of specialized training, through an alternative means of communication or use of speech sounds.
Hard of Hearing	A student in this category has a hearing impairment which adversely affects his or her educational performance. The hearing loss may or may not be permanent. He or she may have difficulty following instructions or have difficulty in other areas relating to the hearing loss; they may have problems discriminating speech sounds, or have speech and/or language difficulties, as well as frequent middle ear infections.
Speech Impaired	These students have a communication disorder such as stuttering, an inability to correctly produce speech sounds, a language impairment, or a voice disorder.
Visually Impaired	Such students may be partially sighted or blind. The visual disability, even with correction, adversely affects their educational performance.
Orthopedically Impaired	Students in this classification are physically disabled and have a severe orthopedic impairment which adversely affects their educational performance. The term includes impairments caused by congenital anomalies, impairments caused by disease and impairments from other causes (e.g., cerebral palsy, amputation, and fractures or burns which cause contractures).
Other Health Impaired	Some students have limited strength, vitality, or alertness due to chronic or acute health problems which adversely affect their educational performance. These problems may include a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, Tourette's syndrome, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes.
Multiply Handicapped	Some students have two or more disabilities that result in multisensory or motor deficiencies and developmental lags in the cognitive, affective or psychomotor areas. The combination of these disabilities causes educational problems which cannot be met through a special education program designed solely for one of the disabilities.

The above classifications help the CSE to decide if a student is **ineligible** or **eligible** for special education programs. In order to receive special education under Article 89, a student must be classified by the CSE as having one of the handicapping conditions defined above.

Ineligible—If the CSE finds that your child is not eligible for special education, it means that they do not think that your child's educational difficulties are the result of an educational disability that adversely affects educational performance. The CSE will send a copy of the evaluation results and the recommendation to the principal of your child's school. This information is used to establish or coordinate other appropriate interventions for him or her within regular education. The CSE will also notify you, and submit its recommendation to the Board of Education. The reasons for the decision will be included. After receiving their recommendation, you may have questions or may not agree with their decision. You should contact the CSE chairperson to discuss your questions or concerns. If agreement cannot be reached, you may request an impartial hearing. In most cases, when you are involved throughout the process, the recommendation of the CSE should not be surprising and minor disagreements can be easily resolved. Alternatives, such as educationally related support services or speech and language improvement services, may be recommended to assist your child.

Eligible—If the CSE finds that your child is eligible for special education, the recommendation will describe your child's special and regular education program in detail. You will be requested to give consent before that program begins. You have the right to agree or disagree with the recommendation. In any event, the recommendation cannot be implemented without your approval if the student is being placed in a special education program for the first time. If you do not agree, the disagreement will need to be resolved either through informal or formal means. (These means are described in the **DUE PROCESS** section, page 35.)

PREPARING THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

The **Individualized Education Program (IEP)** is extremely important because it is the basis for instruction. It is used to document and review progress toward meeting student needs. The IEP summarizes a child's current skills and abilities, establishes educational goals and objectives for the school year, describes programs designed to meet these goals, and lists ways to periodically check the student's progress. School districts develop their own IEP forms, but the content is specified by regulation. In New York State, the Individualized Education Program is developed at a Committee on Special Education meeting, and parent involvement is very important.

For the 1990-91 and 1991-92 school years, where the CSE has made a recommendation, a separate planning conference to complete the IEP **may** be held. This planning conference must be held no later than 30 days after the student enters the recommended special education program. The purpose of this conference is to develop short-term objectives, and appropriate criteria and evaluation procedures and schedules for determining, at least on an annual basis, whether the instructional objectives are being achieved. Participants at this conference must include the parent, your child's teacher, your child when appropriate, and a representative of the school district who is qualified to provide or supervise special education. You and the school district may invite any other individuals. All parental assurances listed on pages 35-38 apply whether the IEP is developed at one meeting or at two meetings.

The following information is included in your child's **IEP.** As a parent, there is much you can add to the development of the IEP. You have firsthand knowledge of your child's abilities. Sharing this information is an important contribution.

- **Present Levels of Performance and Individual Needs**

  The CSE determines individual needs based on present performance in school and the evaluation results. Performance levels and needs are indicated in the areas of academic achievement and learning characteristics, social development, physical development and management needs. This information provides an overview of functioning, potential, preferences, strengths and weaknesses. It also provides data which help in grouping your child with other students who have similar needs.

- **Classification of Disability**

  The CSE determines the classification by analyzing test results and observations in comparison to New York State definitions. These classifications are used to determine eligibility for special education.

- **Annual Goals/Short-Term Instructional Objectives**

  Annual goals in the IEP are statements that describe what a student with a disability can reasonably be expected to accomplish within a twelve month period in the student's special program. The goals correspond to your child's academic, social, physical development and management needs. The short-term objectives must be measurable, intermediate steps between present levels of educational performance and the annual goals. The objectives are

developed based on a logical breakdown of the major components of the goals, and can serve as milestones for measuring progress toward meeting the goals.

- **Recommended Program Including the Extent of Participation in Regular Education and Class Size**

  Each school district must offer a variety of programs and services to meet the differing needs of students with disabilities. This is often called providing a **continuum of services**. Fiscal or staffing problems do not determine the type of service or program availability. A range of programs must be available to allow equal opportunity for instruction in the least restrictive environment.

  The components of the **continuum** can be selected and recommended in whatever combination is appropriate for the individual student and his or her needs. An expanded description of the continuum that must be available to your child follows.

CONTINUUM OF SERVICES

Regular Education Classes and Services

Students who are identified as having an educational disability must have access to be recommended to education classes and services when appropriate. For example, your child's abilities in math may enable him or her to be recommended to receive instruction in a regular education math class. This math class would be part of a total program that includes other services in special education. This type of programming assures that children are provided educational programs and services in the least restrictive environment as appropriate and indicated on their IEP. In addition, occupational education should be considered in planning your child's educational program.

Many support services are also available through regular education. These programs are provided to both students with disabilities and nondisabled students to provide additional assistance in school-related areas. The intent of the services is to provide assistance to students within the regular education setting. Early intervention increases the availability of support services in regular education prior to a possible referral to special education.

Two such services are called educationally related support services (ERSS), and speech and language improvement services. Educationally related support services are intended for students who need short-term counseling but who are not eligible for special education. Speech and language improvement services are available to students in grades K-6 who have mild speech/language problems that require assistance but do not require special education services.

Other types of programs available to eligible students with disabilities are English as a second language or bilingual education programs. If the evaluation indicates a need for such programs in addition to the special education program, it must be specified on the IEP and provided by the district.

Declassification Support Services

Declassification support services are services provided to students and their teachers to assist the students when they are ready to move from special education programs and services to full-time regular education.

The services that may be offered to the student include psychological services, social work services, non-career counseling, and other appropriate support services. In addition, services may be provided to the students' teachers in regular education in order to assist the student. The CSE, upon recommending that a student be declassified, defines what type of services, if any, the student needs, as well as the duration of the services during the first year the student moves into full-time regular education.

Transitional Support Services

Transitional support services, such as consultation and/or training, may be provided to staff who work with students with disabilities as they move into a less restrictive setting. Although transitional support services are provided to the student's teacher(s), the benefit extends to the student. Transitional support prepares the way for change and assists in providing a supportive environment.

Related Services

Related services are provided in conjunction with academic classes to assist students with disabilities in their total education program. A related service differs from special class, regular class or resource room in that the goals and objectives of the service deal with knowledge and skills not typically included in subject area curriculum. These special skills are nonetheless needed for the student to benefit from classroom instruction. Related services include speech therapy, audiology, psychological services, physical therapy, occupational therapy, counseling services, and other support services. Appropriate specialists provide these services based upon the student's individual needs as specified in the IEP. Type, frequency and duration of service is included on the IEP. If recommended, speech and language services must be provided for a minimum of two 30 minute sessions each week.

Consultant Teacher Services

Consultant teacher services allow students with disabilities to stay in full-time regular education programs and

receive help from a special education teacher. This service allows school districts to provide direct and indirect services to pupils with disabilities who are enrolled in a full-time regular education program.

Direct consultant teacher services are specially designed individualized or group instruction provided by a special education teacher to a pupil in a regular education class. The instruction is designed to assist the student to benefit from the regular education program.

Indirect consultant teacher services provide consultant services to regular education teachers to help them modify the learning environment or instruction to meet the needs of students with disabilities in their classes.

Each student with an educational disability who requires consultant teacher services must receive direct and/or indirect services as stated in the Individualized Education Program for a minimum of two hours each week. In addition, the total number of students assigned to a consultant teacher cannot exceed 20.

Resource Room Instruction

A resource room program provides specialized supplementary instruction in an individual or small group setting. Supplemental instruction for students with disabilities through the resource room program must be provided for a minimum of three hours per week. The resource room program may supplement instruction in regular or special education classes for up to 50 percent of the instructional day. Instructional groups in the resource room cannot be larger than five students and must be composed of students with similar academic, social, physical, and management needs. The resource room teacher, in cooperation with classroom teachers, provides instruction to maintain or improve academic performance in other areas. The amount of time, the frequency and the type of instruction is indicated on the IEP. Since a resource room is supplemental to the student's regular or special education program, such instruction is noncredit bearing. Credit is earned only in the classes that offer instruction supplemented by the resource room.

In addition, the total number of students assigned to a resource room teacher cannot exceed 25 for students enrolled in grades seven through twelve or a multi-level middle school program operating on a period basis. A multi-level middle school program is a program that consists of one or more grades below grade seven and one or more grades seven through nine. For students in grades seven through twelve, resource room instruction including related services, must be the equivalent of five periods per week, but not less than the equivalent of 180 minutes.

For elementary and for middle level students whose schools do not operate on a period basis, the total number of students with disabilities assigned a resource room teacher cannot exceed 20.

Special Class Instruction

Special class instruction, if needed, must be provided on a daily basis as indicated in the IEP. Special class sizes are included in Section 200.6 of the Regulations of the Commissioner. In addition to establishing a maximum class size of 15 students with one teacher or 12 students in a State-operated or State-supported school, the maximum class sizes are:

a) 12 students with one teacher and one paraprofessional;
b) 8 students with one teacher and one paraprofessional;
c) 6 students with one teacher and one paraprofessional; or
d) 12 students with one teacher and an additional adult for every 3 students in the class.

The regulations require that students be grouped together for special class instruction based on the similarity of their needs. They may have the same educational disability or differing disabilities, but their individual instructional needs must be similar. Grouping by needs is based on levels of academic or educational achievement and learning rate, levels of physical and social development, and the management needs of the students in the classroom. Students are generally grouped within a three-year math and reading range. This information is discussed with you and included in the written notification from the CSE.

- **Projected Date for Initiation and Amount of Time of Special Education and Related Services**

  This section of the IEP includes the date that the recommended program is expected to begin and how often services will be given. It also indicates whether the student requires a 12-month program or service. The frequency and duration of services included on the IEP may only be changed by CSE review.

- **Specialized Equipment and Adaptive Devices**

  Modifications within the student's environment should be included on the IEP if required for the student to benefit from the program. This might include desk or chair adaptations, braille materials, auditory equipment, typewriter, slant boards, or other such devices.

- **Testing Modifications**

  Testing modifications are provided to students with disabilities to give equal opportunity for demonstrating acquired skills that may otherwise be impeded by the manner of testing. The needed techniques are determined by the CSE and must be on the IEP. The school principal ensures that testing modifications which are indicated on the IEP are used consistently on statewide tests and examinations. Consistent with

the test to be administered, alternative testing techniques included on the IEP must be implemented consistently throughout the student's total educational program. Examples of alternative testing techniques include flexible scheduling, flexible setting, revised test format, revised test directions, or the use of special equipment or proctor assistance. The types of modifications allowable differ depending on the statewide test being administered. You should discuss what types of modifications may be needed for your child with the CSE.

- **Recommended Placement** — Individualized Education Programs are implemented in a variety of settings or placements. **Placement** is the location where the educational program is provided. The following are examples of types of placements:

Local Public School District — often provides all or several types of special education programs. The size of the district and the number of students with disabilities usually determines the range of special education programs offered by individual districts. Districts, although still responsible for each student identified as having an educational disability, may contract with other districts or approved programs to obtain necessary programs and services for their students.

Neighboring Public School District — as mentioned above, some special education services are not offered in every district. The local public school may arrange for participation in necessary programs and services in neighboring districts if they cannot be provided within your district of residence.

Boards of Cooperative Educational Services (BOCES) — provide a variety of occupational, academic and special educational programs and services. Local public schools may contract with BOCES to provide programs or services not offered in the local school district. BOCES-supervised programs may be located in a central BOCES facility and/or may be housed in local public schools.

Home/Hospital Settings — Some students with disabilities need temporary instruction at home or in a hospital setting due to severe illness or special circumstances indicated on the IEP. Instruction must be for a minimum of five hours per week at the elementary level and ten hours per week at the secondary level. The instructional program provided, as with any student with a disability, should be appropriate for the student's needs and revised as necessary. Because home and hospital instruction is highly restrictive, the continuing need for such services should be assessed frequently.

Private Approved Schools — Some students with disabilities cannot be adequately served in public schools and, therefore, must be provided programs within private schools. School districts may place these students in private schools, special act schools, or Children's Residential Project programs approved by the State Education Department that meet the student's specific needs. These schools may be located in-state or out-of-state and may have day and/or residential components.

State-operated and State-supported Schools for the Deaf, Blind and Severely Emotionally Disturbed - These schools are available for students with educational needs that require a placement in a school with a special focus. Some of these schools offer both day and residential programs. Others offer only day programs. Placement in these schools is made by the Commissioner of Education upon recommendation of the district CSE for those children attending a State-supported school or the multidisciplinary team for children attending a State-operated school.

The CSE will recommend the appropriate program and location based on consideration of **student needs in the least restrictive environment.** This means that the CSE must consider the program's proximity to the child's home, the opportunity for involvement with nondisabled peers and the appropriateness of the program based on the student's needs. Districts are encouraged to assist you in identifying resources of other agencies in the community to provide support and help to maintain your child in home communities. Residential placements for educational reasons should be considered only after all community resources have been explored.

If the CSE recommends a placement in a school that uses psychotropic drugs, that school **must** have a written policy pertaining to the use of the drugs which must be shared with parents at the time of the recommendation. Psychotropic medications are those drugs intended to modify behavior by altering a person's mood. If the placement recommendation is not acceptable, you may appeal it.

WHEN IS THE RECOMMENDATION MADE?

If your child has not previously been in special education, the Committee on Special Education must make recommendation to the Board of Education within 30 school days after initial consent for evaluation is received or 40 school days from receipt of referral, whichever is earlier. If the recommendation is developed at the annual review, it must be given to the Board of Education within 30 days. You will receive a notice from the CSE following this recommendation.

☑ PARENTAL ASSURANCES DURING STEP 3: RECOMMENDATION

During the recommendation step, your involvement continues to be important. Your opportunity for involvement is assured before, during and after the meeting.

You may receive a notice about the CSE meeting in two ways: (1) your school district may choose to notify you of the date, time, location, and persons expected to attend a CSE meeting, at the same time they send you the notice described on page 22, or (2) the school district may send you a notice of the CSE meeting at a later time. If the notice is sent at a later time, you must receive that notice five days before the meeting of the Committee on Special Education. The notice of the meeting will include:

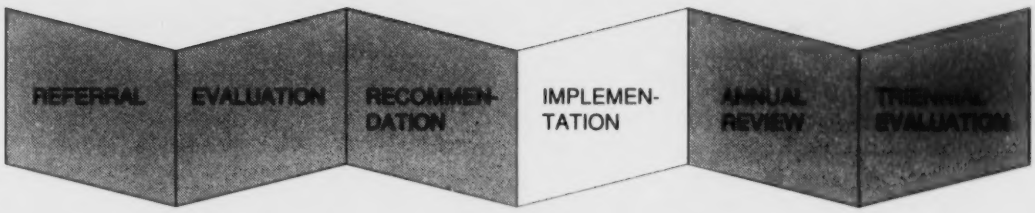
- information about the date, time, location, and persons expected to attend the meeting;
- an invitation for you to participate in the development of the recommendation; and
- a statement regarding your right to bring other people to the meeting.

If you cannot attend the meeting, you must be given the opportunity to participate in other ways such as through telephone calls or written reports.

After the CSE meeting has occurred you will receive a notice describing the CSE recommendation to the Board of Education. This notice will tell you about the recommendation made to the Board of Education. If your child has been recommended to receive special education, you will receive a copy of your child's IEP, and information about the tests, reports and other factors used to make the recommendation. All notices must describe any other options considered and explain why the proposed action was selected. You will also receive information about your due process rights to:

- provide or withhold consent for the recommendation for initial placement in special education based on your knowledge and judgement of your child's needs. Consent will also be needed for initial placement into a twelve-month special service or program;
- request an impartial hearing;
- appeal any decision from the impartial hearing officer to the State Review Officer of the State Education Department;
- receive a list of free or low cost legal services which the parent may be able to receive;
- have your child stay in his/her current placement during an impartial hearing or appeal, unless both parties agree otherwise; and
- reimbursement for attorney's fees in due process hearings and litigation if you prevail.

Once the recommendation is made, the Board of Education must provide an appropriate education program within 30 days of the Committee's recommendation. Notice of the placement must be provided, including information about the due process rights listed above.



STEP 4

Implementation: Arranging for Programs and Services

WHAT IS IMPLEMENTATION?

Implementation occurs when arrangements are made to put into place the specific recommendations described in the child's IEP. It is the responsibility of the CSE and the school district to make these arrangements. If your child is being placed in special education for the first time, as parents, you will be asked to give your consent to implement the CSE recommendation. A request for consent will accompany the notice of recommendation sent to you by the CSE. If you give consent and if the Board of Education approves the CSE recommendation, arrangements are made to initiate programs and services described on the IEP. Arranging for programs and services may take up to thirty school days, but must not take longer. Your prompt response to the recommendation helps to keep the process within the legal timelines.

During implementation, the CSE will coordinate scheduling, transportation, assignments for staff, and any special arrangements for your child's program. Any arrangements which change or add to your child's program must be described by the CSE on the IEP.

WHO IS INVOLVED?

The people involved in making arrangements depend upon the types of programs and services recommended. In general, those commonly involved during the implementation include:

- **Parents**. Your consent to an initial placement is required before your child's program can be provided. It is important that you are fully informed about the program, have had an opportunity to discuss the program with the Committee on Special Education and are in agreement that it is appropriate for your child's individual needs. You are the one person who has been involved in the process from the beginning. You will continue to be the constant factor. Your continued involvement assists the school in carrying out the IEP.
- **Student**. Changes in the school program may affect your child. Support and preparation of students as they move into their new programs help their readiness and acceptance.
- **Committee on Special Education.** The Committee on Special Education is responsible for recommending a program and for making all the arrangements necessary to implement the program. The CSE also submits the recommendation for Board of Education approval.
- **Building Administrators**. Administrators in the school are responsible for coordinating the details of scheduling. They manage the special education programs, supervise personnel who provide instruction, oversee the provision of alternative testing techniques, facilitate home-school communication, and provide support to students, teachers, and parents.
- **Transportation Personnel**. If transportation arrangements are necessary, transportation staff are involved in scheduling transportation to accommodate the student's program and placement. Special transportation, as indicated on your child's IEP, is also arranged at this time.
- **Representatives from other Agencies**. If your child's program involves other agencies, representatives of those agencies or schools are involved with the details of program implementation. Coordination with representatives of other facilities assures that the student receives recommended services.

WHEN AND HOW DOES IMPLEMENTATION OCCUR?

The student's program must be provided within 30 school days after the receipt of the recommendation of the Committee on Special Education by the Board of Education. Implementation occurs through the cooperative efforts of all involved in initiating programs and ser-

vices. An organized process helps this step to go smoothly and effectively.

WHAT SHOULD A PARENT CONSIDER DURING IMPLEMENTATION OF THE INDIVIDUALIZED EDUCATION PROGRAM?

When a student is placed into the recommended program, the IEP becomes the working tool for providing the education in the appropriate setting. It is used as a plan and as a measure of the effectiveness of the program. To address a student's specific needs, certain factors within elementary and secondary education are important to consider during initial implementation and during continuation of the program. These factors influence the implementation of your child's special education program and should be clarified to your satisfaction by the CSE. The following chart will be of assistance in understanding what needs to consider when implementing your child's IEP.

EDUCATIONAL CONSIDERATIONS

FACTORS	REASONS FOR CONSIDERATION
Curriculum	For the most part, curriculum content taught in special education should be equivalent to the content in regular education. This is true on both the elementary and secondary level. Most students with disabilities are able to accomplish the goals and objectives of this curriculum. Special education is designed to modify or adapt teaching materials and strategies so this can occur.
Grouping by Similarity of Need	Students are often grouped together in special education for instruction. When this takes place, the curriculum and instruction provided to the group must be consistent with the individual needs of each student. In accomplishing this, however, the instruction required to meet an individual's needs should not consistently detract from the instruction provided to others in the group.
Scheduling	Flexible scheduling allows student needs to be met. Special education should be coordinated with other programs and services offered during the school day. Scheduling should be carefully considered so that the student's program does not become fragmented by either uncoordinated efforts or unnecessary interruptions. Also, assess to regular education areas such as art, music, and other subject areas must be available.
Testing and Remedial Programs	Students with disabilities should be provided every opportunity to participate in the testing programs that identify achievement and performance levels necessary for minimum competency in New York State. This is essential for preparing high school students with disabilities. The Pupil Evaluation Program (PEP), Preliminary Competency Tests (PCT), and Regents Competency Tests (RCT) may be administered. Subsequent remediation, if needed, may be provided in special education or regular education classes, whichever is appropriate. Remediation and testing experience allow easier acquisition of skills needed to attain a diploma. Exemption from testing programs is permitted for students with severe disabilities, but such exemption is not appropriate for most children with disabilities.

Alternative Testing Techniques	Alternative testing techniques are modifications of testing procedures and format that provide students with disabilities the opportunity to demonstrate knowledge and skills without being limited by his or her disability. The use and type of alternative testing techniques must be described on the IEP. Providing alternative testing techniques is important throughout the school program, e.g., for classroom tests and group achievement tests, such as: Stanford Achievement Test (SAT), California Achievement Test (CAT), and others. Alternative testing techniques take on particular significance when the student is taking statewide tests, such as PEPs, PCTs, and RCTs, as well as Regents Examinations. These testing alternatives allow such students an equitable opportunity to demonstrate that they have obtained the competencies necessary to pass such tests. Passing the statewide tests is necessary in order to receive local or Regents high school diplomas.
Non-academic and Extracurricular Activities	Schools offer many nonacademic and extracurricular activities to support and supplement the basic program. Students with disabilities must be provided the opportunity to participate in all school-related activities. This may range from field trips and clubs to special events after school.
Second Language Instruction	Two units of study in a second language is required sometime during grades K–9 for students who entered grade nine in 1990 and after. Additionally, three units of credit in a second language is required for a Regents diploma. However, a student who has been determined to have a disability by the CSE may be exempted from these requirements if the student's IEP indicates that a second language requirement is not appropriate to the student's special educational needs. An exemption should be carefully considered, based on the student's ability. If the student is capable, he or she should not be denied an appropriate opportunity for instruction. If exempted, high school students pursuing a Regents diploma would be required to take three alternative credits. These credits would not have to be taken in a three unit sequence.
Computers and Adaptations	Familiarity with computer technology and operation is necessary for future preparedness and independence. Students in special classes are expected to have access to and acquire skills in computer use. Special devices and applications for students who are disabled should also be available, as recommended by the CSE. The use of computer technology may assist students with disabilities to adapt to a wide range of situations.
Transportation	Suitable transportation must be provided to all students with disabilities. Transportation recommendations indicated on the IEP are based on: —the need for assistance of a wheelchair lift or other adaptations —the child's ability and tolerance in transit —the need to be physically assisted on or off the vehicle, as well as door-to-door —the need for aides/monitors to provide individual assistance.
Conduct and Discipline/ School Suspensions	Each school district must have in place a school conduct and discipline policy that addresses appropriate school behaviors. This policy must also address conduct and discipline as it relates to students with educational disabilities and indicate when a child with a disability must be referred back to the CSE.

	A school principal, if authorized by a Board of Education, may suspend a student for up to five days, but must, on request, give the student and person in parental relation the opportunity for an informal conference. A student may not be suspended by a Board of Education or superintendent of schools for more than five days without being afforded the right to a hearing. In addition, the suspension of a student with a disability for 10 consecutive days or more, or successive short-term suspensions aggregating 10 days or more over the course of the school year, will be regarded as a change of placement. Because such suspensions are deemed to be a change of placement, the CSE must provide written notice to the parent of the proposed change and schedule a CSE meeting. The parent has the right to request an impartial hearing if he/she disagrees with the recommendation of the CSE and the child has the right to remain in the current educational program/placement pending all appeals. If the district seeks to remove a student endangering self or others from the classroom and the parent disagrees and requests an impartial hearing, the Board of Education would have to obtain a court order. In any case, a school district may not terminate educational services to a student with disabilities. A disciplinary action that would constitute a change in placement requires the prior involvement of the CSE and approval of the Board of Education. The parent may request a CSE meeting any time the child is suspended to discuss the appropriateness of the child's IEP.
High School Credentials	There are three types of high school diplomas available to students in New York State: the local diploma, the Regents diploma and the IEP diploma. Both the local and Regents diplomas require that students pass certain required tests and successfully complete specific approved, credit-bearing courses. The third type of diploma, available to students with disabilities, is called the High School Individualized Education Program diploma. These diplomas are discussed below. Requirements: **Regents Diploma** 1) Students must successfully complete Regents-level courses. 2) Students must pass Regents examinations. **Local Diploma** 1) Students must successfully complete approved, credit-bearing courses. 2) Students must pass the Regents Competency Tests. **Individualized Education Program Diploma** 1) The student must have completed 12 years of school, not including kindergarten, and must have successfully completed the goals in the IEP during that year. 2) A student must be awarded such a diploma at the age of 21, if the IEP goals for that year are met. 3) A student or the student's parents may request that the district award the high school IEP diploma prior to the year the student becomes 21. This will be awarded based on school district policy.

	4) Students who receive a high school IEP diploma prior to age 21 remain eligible to attend school until age 21, or until receiving a Regents or local diploma. **Local Certificate** Students with disabilities are also eligible for a local certificate. Some students are eligible after completing 13 years of school, excluding kindergarten. In some cases, students who function within the mentally retarded range may be awarded a certificate at age 16. The certificate is awarded based on the goals and objectives of the Individualized Education Program. The district may or may not award certificates, based on local policy. Students who receive a local certificate prior to age 21 are still eligible to attend school until age 21, or until receiving a Regents or local diploma. **High School Equivalency Programs** Students with disabilities may also receive diplomas through high school equivalency preparation programs. These programs are designed to instruct students who are over the compulsory school age so that they may successfully complete the General Education Development (GED) tests which are required for a high school equivalency diploma. A qualified individual who has received a high school equivalency diploma, but not a local or Regents high school diploma, remains entitled to attend the public schools in his/her district of residence without the payment of tuition, until the age of 21, or until obtaining a high school diploma.
Occupational Education	Courses in occupational areas provide students with skills for employment. It is very important to consider participation in such courses prior to students with disabilities making the transition from school to work. Planning for these programs should begin as early as possible. Students with disabilities have the right to access all appropriate occupational education courses.
12-Month Special Service or Program	Students with disabilities, who require a structured learning environment throughout the calendar year in order to prevent substantial regression, are eligible to attend school for up to 12 months. If the CSE recommends and the Board of Education approves the recommendation, local districts are required to provide a 12-month special service or program as specified on the pupil's IEP.
Extended Time in High School	All students have the option of staying in school until age 21 if they have not yet received a Regents or local diploma. If a student turns 21 on or after September 1, he or she may continue to the end of that school year. These additional years may help some students to attain a Regents or local diploma by allowing more time for preparation. Summer sessions also provide the opportunity to gain needed credits for receipt of a diploma.

ADDITIONAL PARENT CONSIDERATIONS

At any point you disagree with the program, you may request a CSE meeting to review the program. You also maintain your right to challenge the recommendation by requesting an impartial hearing. As parents, you may contact the CSE, request a review of the program or reconsider consent at any time. Parents should ask about the following:

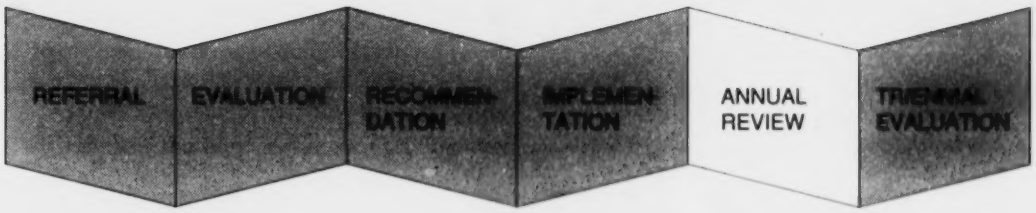
- Does my child need alternative testing techniques to be able to truly exhibit knowledge and demonstrate skills?
- When will my child be taking the Preliminary Competency Tests, Regents Competency Tests or Regents Examinations?
- If my child fails the Regents Competency Tests, when will the tests be given again? How can my child prepare for the next test? What type of remediation will be provided?
- Is my child receiving credit in special or regular classes?
- How many credits are needed for a diploma?
- Will my child need to stay in school beyond age 18 to receive a diploma?
- How can I help prepare my child for future employment opportunities?
- If my child cannot achieve a Regents or a local diploma, what options are available to him or her?

Asking these types of questions throughout the school years will ensure early planning and allow adequate time to complete required courses and testing.

☑ PARENTAL ASSURANCES DURING STEP 4: IMPLEMENTATION

During implementation, the due process rights previously discussed are maintained. As parents, you may contact the CSE, request a review of the program or reconsider consent. The following due process rights are in place:

- Your consent is required before the CSE recommendation for initial placement can be implemented.
- Notice of the Board's decision regarding the CSE recommendation must be sent to parents.
- Programs and services must be initiated within 30 school days of the recommendation unless an impartial hearing is requested by you.



STEP 5

Annual Review: Updating the Program

WHAT IS THE ANNUAL REVIEW?

The annual review is a required CSE meeting to determine whether the existing program, as described on the IEP, is appropriately meeting the student's needs. During the annual review, the Committee on Special Education and others discuss yearly progress and make recommendations to continue, change or terminate the program. Based on this, the Committee will revise the IEP, as needed, and make a recommendation to the Board of Education.

WHO IS INVOLVED?

The participants in the annual review are similar to those in the IEP meeting. Attendance must be documented at all planning meetings.

- **Parents.** You are notified of the annual review by the CSE. Your involvement in this meeting is especially helpful to the CSE because of your knowledge about your child. At the annual review, you can provide important background information regarding your child's history and progress. You can also ensure that your opinion is considered and that important information is not omitted. Teachers and school settings change, but your concern and support remains a constant influence.
- **Student.** The participation of the student at such meetings is at the discretion of the parents. Students who are 18 or emancipated minors may choose to attend on their own behalf.
- **Committee on Special Education.** The Committee on Special Education or subcommittee conducts the annual review. The mandated members of the CSE or Subcommittee must be in attendance. The physician's attendance must be requested at least 72 hours prior to the meeting, if his or her presence is requested.
- **Others as Invited by the Parents.** You may ask others to accompany you to the annual review.
- **Student's Teacher.** As a member of the CSE, the student's teacher must attend the annual review to provide current information, convey first-hand knowledge of the student's performance, and clarify any information or questions concerning the student's program.
- **Representatives of Other Agencies.** If the student participates in a special education program outside of the local school district or in a facility operated by a State department or agency, a representative of that agency has the opportunity to attend the annual review.

WHEN DOES THE ANNUAL REVIEW OCCUR?

The annual review must occur once a year. The projected date of the annual review is specified on the IEP. The date of the first review must be within one year of the student's entrance into special education. However, a CSE review may be requested prior to the annual date by you, the parents, your child's teacher, or a school administrator in order to determine if a change or modification is needed. If this occurs, the next review must be conducted within one year of the current review, thereby setting a new annual review date.

The Committee on Special Education will review your child's Individualized Education Program to determine whether it continues to be appropriate. Consideration of whether the program continues to be in the least restrictive environment should be discussed during the annual review. Following the review, you are notified of the recommendation to continue, modify or terminate the student's program. The Board of Education will also receive the recommendation from the Committee on Special Education and determine whether to approve the recommendation. It may be determined that your child's special education program has met your child's needs to the point where there is no longer a disability that adversely affects educational performance, and therefore your child no

longer requires special education. If this decision is made, it will be important to discuss the various alternatives that may be available to assist your child. Such alternatives could include remedial programs, counseling services, continued use of alternative testing techniques, declassification support services, or transitional support services. The provision for these services may need to be discussed and arranged with the building principal as your child transitions to regular education.

☑ PARENTAL ASSURANCES DURING STEP 5: ANNUAL REVIEW

The annual review continues the cycle for programs, services and due process rights. As a parent, you will be notified of the date, time, location, and persons expected to attend the meeting, invited to participate and, given a statement about your right to bring other people to the meeting. You will also be notified that if you cannot attend the meeting, you will have the opportunity to participate in other ways such as through telephone calls or written reports of the annual review meeting. If necessary, you will be able to have an interpreter provided at no cost to you. All notices must describe any other options considered and explain why the proposed action was selected.

(1) The notice of the annual review will include your right to:

- have information about the planned review;
- inspect your child's school files, records, and reports and make copies at a reasonable cost;
- attend the meeting;
- request the physicians's attendance;
- bring others to the meeting;
- submit additional information for the CSE's consideration;
- obtain an independent evaluation;
- obtain an impartial hearing;
- appeal to the decision from the impartial hearing to the State Review Officer of the State Education Department;
- receive free or low cost legal services and a listing where those services can be obtained.
- have your child stay in the current educational placement during formal due process proceedings, unless both parties agree otherwise; and
- be advised that, as parents, you may be able to obtain reimbursement for attorney's fees in special education disputes in which you prevail.

(2) After the meeting at which the IEP is reviewed, you will receive another notice regarding the recommendation which has been made to the Board of Education. If your child has been recommended to receive special education, you will receive a copy of your child's IEP. The notice will also explain the tests, reports and other factors used to make the recommendation. Finally, the notice will describe your due process rights to:

- obtain an impartial hearing;
- appeal to the decision from the impartial hearing officer to the State Review Officer of the State Education Department;
- receive a listing of free or low cost legal services which may be available;
- have your child stay in his/her current placement during an impartial hearing or the appeal, unless both parties agree otherwise; and
- have your child placed, with your consent, in the public school program during an impartial hearing or the appeal which involves your child's initial admission to public school until the completion of all the proceedings; and
- be advised that, as parents you may be able to obtain reimbursement for attorney's fees in special education disputes in which you prevail.

(3) After the Board of Education makes its decision and arranges for your child's placement, you will receive another notice. This notice will inform you of the Board of Education decision; and state your due process rights (as listed above in #2).

STEP 6

Triennial Evaluation: Updating Tests and Evaluative Information

WHAT IS A TRIENNIAL EVALUATION?

A triennial evaluation occurs every **three** years to provide current assessment information on students in special education. Because this evaluation occurs at least every three years, the evaluation is referred to as the triennial evaluation. At the triennial evaluation, updated information is provided through reexamining many of the areas previously tested in the initial evaluation. The purpose of this reexamination is to determine individual needs and continuing eligibility for special education. This information must be discussed at a CSE meeting.

WHO IS INVOLVED?

- **Physician**—provides updated information in the areas of physical, social, and emotional development. The report may also include other information that is related to the student's disability.
- **School Psychologist**—provides updated information on the student's educational achievement, and social, physical, and emotional development. Many of the areas assessed during the initial evaluation are re-evaluated to provide comprehensive and current information.
- **Other Qualified Personnel**—provide input to address any outstanding concerns or questions. Additional teachers, speech therapists, social workers, guidance counselors, occupational therapists, physical therapists, or vocational counselors may be involved in the triennial evaluation.
- **Committee on Special Education**—reviews and discusses the information gathered from the reexamination and makes a recommendation based upon this information.
- **Parents**—attend the meeting to discuss any new information provided by the reexamination.

WHEN DOES TRIENNIAL EVALUATION OCCUR?

The triennial reexamination must be conducted within three years of the initial evaluation and every three years thereafter until the student no longer receives special education.

☑ PARENTAL ASSURANCES DURING STEP 6: TRIENNIAL EVALUATION

When an individual evaluation such as the triennial evaluation is conducted, the evaluation must be assure that:

- There is involvement of more than one specialist in the evaluation, including at least one teacher or other specialist with knowledge in the areas of the suspected disability.
- Appropriate methods for assessing various skills of children with impaired sensory, manual or speaking skills are used. The method of testing should not interfere with demonstrating skills or knowledge.
- Assessments are conducted in all areas related to the suspected disability.
- Nonbiased tests are administered in the child's dominant language or other mode of communication.
- Tests are administered by trained personnel and are appropriate for analyzing the suspected problem.
- Information is obtained on specific areas of educational need.
- Protection of the child's confidential records is maintained. School districts must follow the requirements mandated by the federal law protecting the privacy rights of parents and students. You have the right to review your child's records and make copies at a reasonable cost.
- Information is provided to you in your dominant language or mode of communication.

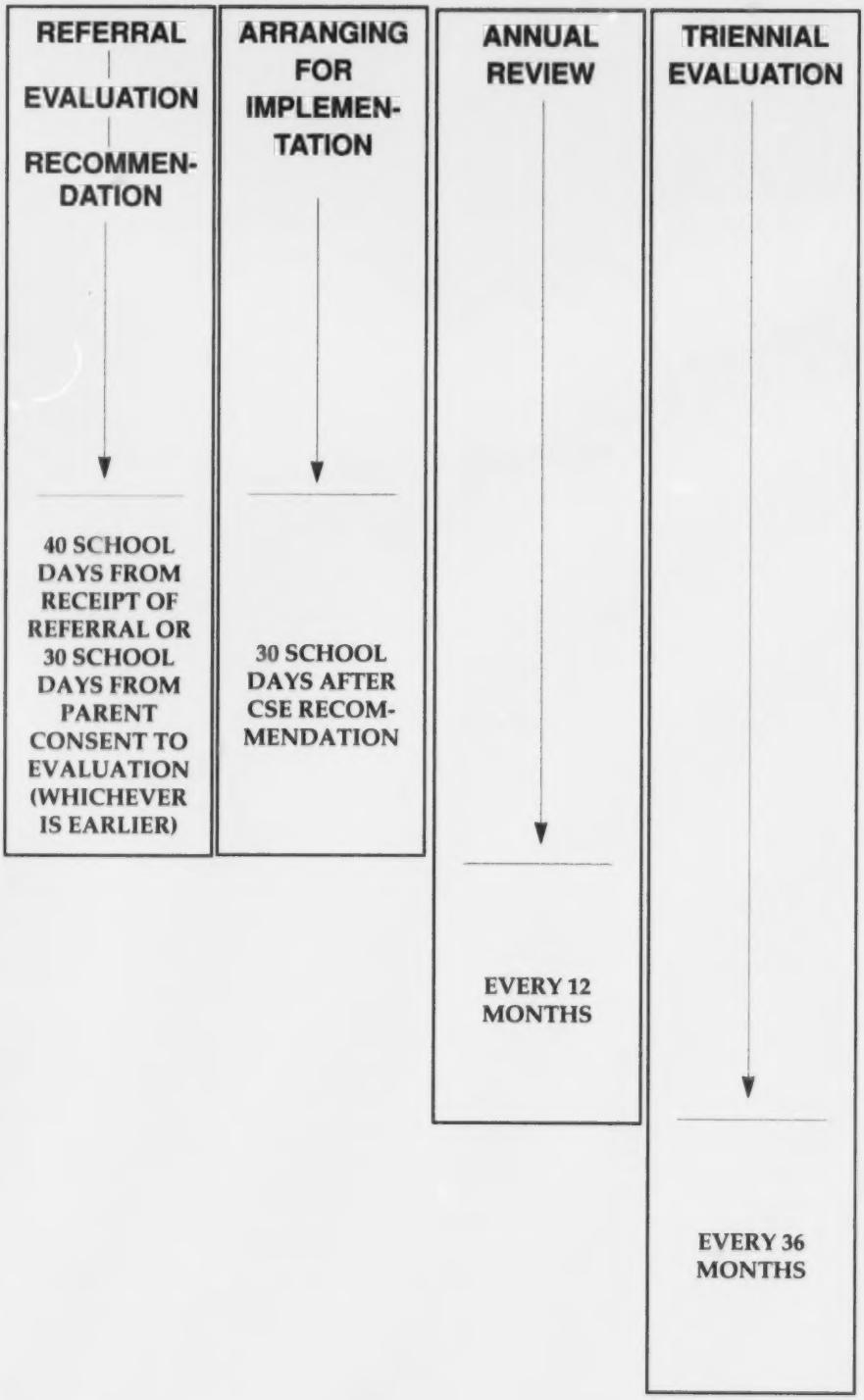
- The opportunity for you, the parent, to provide information for the evaluation.
- The right to initiate an independent evaluation on your own, or to request it from the school district.
- The right to disagree with the evaluation because you feel it is inappropriate.

During this process you will receive several different notices. These will include:

- notice of the proposed evaluation;
- notice of the CSE meeting, to discuss the evaluation and to develop recommendations;
- notice of the CSE recommendation to the Board of Education; and
- notice of the Board of Education determination.

For the content of the notice and the list of your due process rights see "Parental Assurances", pages 35-38.

Special Education Process



Due Process

Due process describes procedures used to protect your child's right to a free appropriate public education. Due process is an integral part of special education decision making for your child.

The due process assurances discussed in previous sections are summarized below. They include:

- **Your Right To Be Fully Informed and Your Right To Be Knowledgeable About the Actions To Be Taken.**

  You must be fully informed of your rights, as well as adequately notified of proposed actions, their purpose, the intended results, any decisions based on the actions, and the options considered in the educational decision-making process, in your dominant language. You also have the right to examine and obtain copies of your child's school records.

- **Your Right To Participate.**

  You have the opportunity to participate in the determination of decisions through attendance at meetings and through your ongoing involvement in your child's education that ensures consideration of your point of view.

- **Your Right to Consent.**

  You have the right to give or withhold consent in four situations:

  — prior to the initial evaluation of your child;
  — prior to placement of your child in special education for the first time;
  — prior to an initial placement of your child in a twelve-month special service or program;
  — prior to a referral for adult services. A referral can be made when a student receiving non-residential special education reaches 15 years of age, and when a student receiving residential special education reaches 18 years of age.

- **Your Right to File A Complaint**

  If you feel that one of the laws or regulations governing special education has been violated, you have the right to file a complaint with the OSES of the State Education Department. Your complaint needs to be in writing and should be directed to:

  Thomas B. Neveldine
  Assistant Commissioner
  New York State Education Department
  Office for Special Education Services
  Room 1073, Education Building Annex
  Albany, New York 12234

  It is important to note that you cannot initiate a complaint if your issue is unresolved at another level. For example, if a hearing has been initiated with an impartial hearing officer and no decision has been reached, you cannot file a complaint.

  If you do file a complaint, you must receive a written response indicating that your complaint will be investigated and resolved within sixty days. If the OSES finds evidence that a district has acted in violation of law or regulation, compliance must be monitored until the underlying complaint is fully resolved. Where the district has violated a law or regulation, the corrective action required must correct the problem not only for the particular child in question, but for all children. Once the investigation is complete, you will receive a written response from the OSES. The letter must itemize each allegation and the findings on that allegation. A copy of this response will also be sent to the special education director and superintendent of the district (also the BOCES superintendent if it is a dependent district). If you are not satisfied with the results of the investigation, an appeal may be submitted to:

  Judy A. Schrag, Director
  Office of Special Education Programs
  U. S. Department of Education
  400 Maryland Avenue, S.W.
  Washington, DC 20202

  The OSES must keep copies of all correspondence. The correspondence logs of OSES must indicate the date of the response to you as well as the date of resolution.

- **Your Right to Independent Evaluation**

  If you disagree with the evaluation performed or

obtained by the school district, you have the right to obtain an independent educational evaluation of your child. The district must pay for the independent evaluation, unless it initiates a hearing and the hearing officer determines that the district's evaluation is appropriate. If that happens, you may have an independent evaluation, but not at public expense.

- **Your Right To Challenge.**
  You have the right to challenge school decisions regarding your child. You have the right to request an impartial hearing to challenge decisions pertaining to your child's special educational program. You have the right to bring an attorney or others knowledgeable about special education to represent you at the hearing. You are also entitled to receive a list of individuals and agencies that provide free or low cost legal services. You may also be able to receive reimbursement for attorney's fees incurred in special education disputes, in which you prevail.
  In some school districts, special education mediation is available at no cost. Mediation is a process in which you and a representative of the school district meet with an independent third party who assists in reaching agreement about issues or concerns regarding the recommendation of the Committee on Special Education or action of the Board of Education. In many cases, special education mediation has been successful in improving parent-school district communication and has resolved differences without the development of an adversarial relationship and with minimal emotional stress. To determine whether special education mediation is available in your school district, contact your child's CSE.
- **Your Right To Appeal.**
  You have the right to appeal the decision of an impartial hearing officer to the State Review Officer and to seek judicial review of the State Review Officer's decision regarding your appeal.

WHAT IS AN IMPARTIAL HEARING?

An impartial hearing is a formal procedure used to resolve disagreements between parents and school districts over the provision of special education. You may choose formal due process procedures to challenge recommendations and decisions made by the school district. Similarly, in order to fulfill its responsibility to provide your child with a free appropriate public education, the school district must initiate due process hearing procedures under certain circumstances. The impartial hearing has been established as a mechanism to hear both sides of the issues and fairly resolve the dispute through a third party.

When a request for an impartial hearing is made, the Board of Education must arrange for the location of the hearing and appoint the hearing officer from the list of State certified hearing officers. Impartial hearing officers may not be an employee of the district or the BOCES in which the district is a component, and may not have any personal or professional interest that would conflict with his or her objectivity.

The impartial hearing is an administrative proceeding. Although it is somewhat like a court proceeding, the rules are relaxed. The hearing may be conducted in a session open or closed to the public. This decision is up to you. The impartial hearing process includes:

- —the calling of witnesses by both the school district and you to provide information and to respond to questions on the issue. The school district calls the witnesses first and you have the opportunity to ask questions of each witness. You have the opportunity to call witnesses and the district maintains the right to cross-examine;
- —the prior exchange of documents to be used during the hearing by you and the school district, at least five days before the hearing;
- —a written or electronic verbatim record of the proceedings, a copy of which must be made available to you;
- —the provision of an interpreter for the deaf or a translator, if necessary; and,
- —the rendering of an impartial decision by the officer.

The hearing provides both parties with the opportunity to present their argument to a hearing officer for a fair resolution of the matter that is consistent with the law.

In order to assure impartiality, the hearing officer must tell both parties at the start of the hearing about any possible conflict of interest. At that time, either one of you may object to that hearing officer being involved with the case any further and ask that he/she step down to allow the Board of Education to appoint another hearing officer.

WHO IS INVOLVED AT THE IMPARTIAL HEARING?

- **Impartial Hearing Officer**—The hearing officer must conduct a fair and impartial hearing and by the district arrive at an independent decision based solely upon the evidence presented at the hearing. The hearing officer is appointed by the district from a list maintained by the Board of Education and certified by the State Education Department. Any person selected from the list must:

  1) be independent and not be employed by the school district.

2) have no personal or professional interest that would interfere with his or her objectivity in the hearing.
3) not have participated in any manner in the formulation of the recommendations leading to the disagreement.
4) be certified by the commissioner as a hearing officer after taking an approved course and passing a test.

- **Parents**—You are involved throughout the impartial hearing process unless you choose otherwise. You may request the hearing, prepare your case, and determine who attends the hearing. You decide whether the hearing is open or closed to the public.
- **Student**—The student, in some instances, may attend the hearing to the extent deemed appropriate by you, the parent. An 18-year-old or emancipated minor may make his or her own decision regarding requesting an impartial hearing or attending the hearing.
- **Representative for the School District**—This person represents the Board of Education at the impartial hearing. This person may be the CSE chairperson or it may be an attorney who arranges and presents the district's case at the hearing.
- **Representative for the Parents**—Parents also have the option of hiring an attorney, advocate or other representative, at their own expense, to assist them in organizing and participating in the hearing.
- **Guardian ad litem**—A hearing officer who feels that the interests of the parents are inconsistent with or opposed to those of the child, or that the interests of the child would be best protected by someone else, may assign a guardian ad litem for the child. In the event a guardian ad litem is assigned, the hearing officer must assure that the parents' due process rights are preserved throughout the hearing.
- **Witnesses**—Both parties may present witnesses to provide relevant information pertaining to their child's education and respond to questions regarding the disagreement over the provision of special education. Parents may ask the hearing officer to issue subpoenas to compel a witness to attend a hearing or to produce documents that they are unable to present/obtain voluntarily.
- **Stenographer**—A stenographer may be employed to record the proceedings. If a stenographer is not used, the hearing must be tape recorded to preserve the record. The record is used to prepare a decision following the hearing. A verbatim (word for word) record of the hearing must be made and be available to you and the school district.
- **Interpreter**—The hearing officer will ask both parties about the need for an interpreter and make the necessary arrangements to have an interpreter of the deaf or of the dominant language of the child's home present at the hearing.

WHEN IS AN IMPARTIAL HEARING REQUESTED?

REQUESTS FOR IMPARTIAL HEARINGS BY PARENTS

You may request an impartial hearing to challenge any determination regarding your child's right to a free, appropriate public education. A request for a hearing should be made after the CSE/Board of Education has rendered its determination or had an opportunity to review and consider your request. Requests are made after informal methods to resolve the issue have been exhausted. A request for an impartial hearing must be made in writing and should be made as soon as you decide that your child's needs are not being met and the problems cannot be informally resolved. Some of the reasons for parental requests for a hearing are listed below.

- Disagreement with the recommendation of the CSE or BOE.
- Failure by the CSE to evaluate a child and make its recommendation within 30 school days of consent.
- Failure to implement the CSE recommendation within 30 school days.
- Failure of the BOE to review, at least annually, the child's program, or failure to reevaluate the child every three years.
- Disagreement with the special education provided.

IMPARTIAL HEARINGS INITIATED BY THE SCHOOL DISTRICT

The Board of Education is responsible for ensuring that a student with a disability receives a free appropriate public education. To fulfill its responsibilities in this process, the Board of Education must initiate an impartial hearing when:

- You do not consent to the initial evaluation and the referral has not been withdrawn by mutual agreement. In those cases, the Board of Education must initiate an impartial hearing to obtain permission to conduct an evaluation despite the absence of parental consent to the evaluation.
- The school district wants to establish that its evaluation is appropriate, to avoid paying for an independent evaluation.
- You withhold consent to the initial recommendation for special education.
- You withdraw consent to an evaluation or to a proposed placement.

WHAT OCCURS AT THE HEARING?

The hearing officer begins the hearing by explaining how it will be conducted. The hearing officer will disclose all relevant information about himself or herself, and ask the parties whether they wish to challenge his or her impartiality. The parties may agree to the submission of certain documents as evidence, in advance of any testimony. The Board of Education and the parents are given an opportunity to make opening statements, in which they advise the hearing officer of the issues to be resolved and their respective positions on those issues.

The Board of Education has the burden to prove that the child's classification, program and placement are appropriate, if they are in dispute. The Board of Education presents its evidence first, by calling witnesses to testify and to identify documents to be admitted into evidence. You have the right to raise procedural objections, which will be ruled upon by the hearing officer. You also have the right to cross-examine, or question, each witness who testifies on behalf of the Board of Education.

After the Board of Education has completed the presentation of its case, the parents present their case, by calling witnesses to testify and through documents which are introduced into evidence. You should offer as evidence any document which is relevant to your child's present needs and program, and which you want the hearing officer and the State Review Officer to consider. You must disclose to the Board of Education written evidence which you wish to introduce at the hearing, at least five days before the hearing, and the Board of Education must also disclose its written evidence to you, at least five days before the hearing. The Board of Education has the right to cross-examine any witness who testifies on your behalf. Parents may testify also on behalf of their children. Your testimony should be factual, based upon what you know about your child, or what occurred at meetings of the Committee on Special Education which you attended.

Following the conclusion of your case, you and the Board of Education will each have an opportunity to make closing arguments to the hearing officer. You may refer to any of the evidence which has been introduced or the statements made by any witness, in your closing argument. You should explain to the hearing officer exactly what you would like the hearing officer to do.

WHAT OCCURS AFTER THE IMPARTIAL HEARING?

After you and the Board of Education have explained your respective positions to the hearing officer, the hearing officer must write a decision. A copy of the decision must be mailed to you and the Board of Education within 45 calendar days of the date that the Board of Education received your written request for a hearing.

The hearing officer's decision may only be based on information presented during the hearing. It will include the reasons and the basis for the decision. The hearing officer's decision is final unless either you or the Board of Education appeals the decision to the State Review Officer. If the decision of the impartial hearing officer is appealed to the State Review Officer, the decision of the State Review Officer is final, unless the matter is taken to a court of law. Information on how to make an appeal to the State Review Officer will be included in the impartial hearing officer's decision.

APPEAL TO THE STATE REVIEW OFFICER

The appeal to the State Review Officer provides another level of review regarding the provision of your child's special education. Procedures for submitting an appeal are specific and must be followed exactly to avoid delay or dismissal. Although you are not required to have a lawyer, you should have detailed information on this process. This information is contained in a booklet entitled "Handbook I, Regulations of the Commissioner of Education Relating to Appeals and Other Proceedings Before the Commissioner and the State Review Officer." The booklet can be obtained by calling or by writing to:

New York State Education Department
Office of Counsel
Education Building, Room 116
Albany, New York 12234
(518) 474-6400

A general overview of the appeal process and required forms are included in the Practical Handbook, Part II of this guide.

The majority of disagreements are resolved informally or through an impartial hearing. However, it is important for you to know that options are available to seek review of the issues at other levels. If all administrative procedures are utilized and you still remain dissatisfied, court action can be initiated.

ATTORNEY'S FEES

The Individuals with Disabilities Education Act (IDEA), authorizes courts to award reasonable attorney's fees to parents to reimburse an attorney who represents them if they prevail in an administrative proceeding and/or court proceeding regarding the education of a child with a disability pursuant to the Act.

If you, as parent or guardian, elect to use the services of an attorney and you prevail at an impartial hearing, a subsequent appeal or a court of law, you may be eligible to recover some or all of your attorney's fees. This determination is made only by the courts. Neither the hearing officer nor the State Review Officer may order a Board of Education to pay your attorney's fees.

Planning Ahead—What Comes Next

It is important to plan ahead as your child participates in his/her high school years. It is necessary to begin to think about you child's future and to plan accordingly. There are many options available to students with disabilities ranging from postsecondary educational options to employment opportunities. How successfully the student transitions into these programs or into an employment situation will largely depend upon the preparation and planning received in high school.

It is most important to begin as early as possible in exploring these options and making sure that your child has had adequate high school preparation. Making arrangements for placements into colleges or jobs or other opportunities requires a great deal of preparation. After your child leaves school it is more difficult to link services or find assistance. Be sure to use the CSE as much as possible to assist you in finding out about the range of options available, as well as sources of assistance.

As mentioned above, an important aspect of being able to successfully transition into post-high school activities is the prior preparation students receive in their secondary educational program. For example, if it is anticipated that the student will be pursuing an employment option after high school, then it is most important to ensure that the secondary program has included an occupational education sequence. Another option may be a two- or four-year college program. In this situation, it is important that the student has been scheduled into courses that will result in the ability to attain a local or Regents diploma.

The process of transition from high school to the wide range of options available after leaving school is an important one. It will take long range planning that occurs early in your child's educational program. The following paragraphs will describe some options to consider during this planning period. Addresses and phone numbers which may be useful to you also follow.

OCCUPATIONAL EDUCATION

Reason for Consideration:

Early preparation for job skills is extremely important. Participation in occupational education programs can provide important coursework and specific training for students with disabilities. Occupational education teachers or administrators and vocational rehabilitation counselors are available to work closely with Committees on Special Education, students and parents to assure appropriate placement into occupational courses and sequences. Early participation in such programs provides students with disabilities skills that will be helpful as these students prepare for post-high school experiences. Programs include coursework in the fields of business, agriculture, health occupations, home economics, industrial arts, marketing, technology, or trade and industry. It is also important that your child have an early vocational assessment. This information will help you understand your child's occupational strengths, weaknesses and aptitudes. In turn, this information will help you and the CSE plan the educational program. Involvement in occupational education should be a very strong consideration as you prepare to help your child find options after leaving high school.

Sources of Assistance:

BOCES, vocational and technical high schools, postsecondary trade schools, vocational assessment centers, occupational and vocational counselors, business, industry, Office for Vocational and Educational Services for Individuals with Disabilities (VESID), and the Office for General and Occupational Education in the State Education Department

REHABILITATION SERVICES

Reason for Consideration:

Vocational rehabilitation services help persons with disabilities develop or improve capabilities leading to employment. Services are provided according to individual needs to prepare persons for employment or provide assistance in keeping jobs.

The Office for Vocational and Educational Services for Individuals with Disabilities within the State Education Department provides rehabilitation services to persons with physical, mental or emotional disabilities. To be eligible, a person must have a disability that is a barrier to employment. In addition, there must be a good chance that the service to be provided may help the person gain employment. The types of services provided by this agency are varied and may include diagnostic services, counseling, physical or mental restoration services, vocational training, transportation, employment placement,

tools and equipment, adaptive equipment, vehicle modification, or attendant services and follow-up.

Sources of Assistance:

Office for Vocational and Educational Services for Individuals with Disabilities.

PLANNING FOR EMPLOYMENT

Reason for Consideration:

Many programs offered through vocational high schools, community job service centers, Boards of Cooperative Educational Services (BOCES), district programs, and vocational rehabilitation centers provide vocational training. There are a range of opportunities for employment for persons with disabilities. These options range from independent job functioning to supportive employment to sheltered workshops. Many services, such as job coaches, on-site assistance and employee assistance programs, provide opportunities to maintain persons with disabilities in the workplace. Rehabilitation counseling, job training, assistance with special rehabilitation expenses, physical and mental rehabilitation services, interpreters, and job placement are available and should be part of your long-term planning.

Sources of Assistance:

Community agencies, business and industry, the Office of Mental Retardation and Developmental Disabilities (OMRDD), the Office of Mental Health (OMH), local and State Department of Social Services (DSS), the Commission for the Blind and Visually Handicapped (CBVH) of the DSS, and the Office of Vocational and Educational Services for Individuals with Disabilities (VESID).

POSTSECONDARY EDUCATION

Reason for Consideration:

Planning for future education should start in junior high school. Your child's Individualized Education Program should include educational goals which address preparation for postsecondary education, career education or prevocational training. Allowing adequate time to complete coursework, attending school beyond age 18, alternative testing techniques, equivalency of instruction, provision of adaptive equipment, and credit by examination are all important factors. Knowledge of graduation requirements will help you in this area.

For postsecondary education, it is helpful to contact different schools to learn about types of programs. Many private and public colleges and universities provide financial and programmatic assistance to young adults with disabilities. Public facilities such as public postsecondary institutions must be fully accessible and cannot discriminate on the basis of a disability.

There are also other nontraditional ways to obtain academic or employment skills for persons who have graduated from high school or for persons who have left high school prior to graduation. Many of these programs are part of a wide range of continuing education classes. There are a great many adult learning programs or educational/employment training programs available within communities or through State agencies. Such programs are: employment preparation education programs, workplace literacy programs, welfare education programs, Job Training Partnership Act Programs, employer-specific training programs, Higher Education Opportunity Programs, Educational Opportunity Programs, school-to-work transition programs, and alternative high school equivalency preparation programs. These programs offer important options which provide alternative ways to obtain academic and employment skills. It is most important to find out information regarding these programs as to their applicability to particular students.

Sources of Assistance:

Postsecondary institutions, local school district administrators, guidance counselors, Committees on Special Education, Office of Continuing Education or Office of Vocational and Education Services for Individuals with Disabilities within the State Education Department, Coordinator of the Disabled at the State University of New York central office, the Bureau of Academic Information and Reports, and the Office of Continuing Education, both within the State Education Department.

THE TRANSITION TO ADULT SERVICE PROVIDERS

Reason for Consideration:

Certain students with disabilities, as determined by the Committee on Special Education (CSE) or the Multidisciplinary Team (MDT), may require adult services and life-long assistance. It is this group of students which are affected by Section 200.4(h) of the Regulations of the Commissioner of Education. These students are either in residential placements made by the CSE or in nonresidential 100 percent special education placements and will require additional efforts to ensure that appropriate planning occurs for the next stage of their lives. The quality of their adult lives will be determined by their educational preparation and the quality of their adult services plan. Extensive planning will, in turn, be required of the adult service system to establish appropriate residential and employment services for each of these young adults.

School district Committees on Special Education or State-operated school Multidisciplinary Teams are responsible for beginning the referral process. For students 15-17 years of age receiving educational services/programs in nonresidential placements, the committee or team must request that parent(s) sign a consent form in order that

information regarding your child can be sent to the appropriate adult service agency(ies). For students 18-21 years of age, the student must first be allowed to provide consent. If the student does not respond and a member of the staff of the educational facility has reason to believe that the student may not be able to understand the purpose of the form, the committee or team can allow the parent to sign the consent form.

Parents play a crucial role in the aging-out referral process by providing consent. Without consent, planning for adult services *cannot* occur and a referral *cannot* be made to any adult service agency. If you do not provide consent when initially requested, the CSE or MDT is required to request your consent every year until your child reaches 21 years of age. Providing this consent does not mean that your child loses eligibility for school services. It simply means that planning for his/her adult life can begin early in a coordinated fashion.

It is important for parents to note that while your child may have been entitled to special education services and programs until age 21, services through adult service providers are based on meeting specific eligibility requirements. These requirements may vary based on the regulations which govern these agencies or definitions which are used. For example, in practice, eligibility for services through the Office of Mental Retardation and Developmental Disabilities (OMRDD) is determined by the presence of autism, cerebral palsy, epilepsy, mental retardation, a neurological impairment, or a related condition that has onset before age 22 and has a substantial impact on the person's ability to function independently. Neurological impairments include such specific conditions as neurologically based severe learning disabilities, spina bifida, Tourette syndrome, neurofibromatosis, narcolepsy, traumatic brain injury, Prader-Willi syndrome, and sensory impairments that are caused by central nervous system disorders.

Sources of Assistance:

The Office of Mental Retardation and Developmental Disabilities, the Office of Mental Health, the Office of Vocational and Educational Services for Individuals with Disabilities, the Commission for the Blind and Visually Handicapped, the Council on Children and Families, the Department of Social Services, Local School District.

FINANCIAL PLANNING

Reason for Consideration:

Planning for wills, trusts, estates, or Federal benefits should be considered in advance to avoid later difficulty. This is not part of the IEP development process, however, the CSE may be able to provide information on sources of assistance.

Sources of Assistance:

The Office of the Advocate for the Disabled, Family Lawyer, Community Agencies, SETRC.

RESOURCE LIST FOR PLANNING AHEAD:

New York State Education Department
Office for Special Education Services
Division of Program Development
Room 1069 Education Building Annex
Albany, New York 12234
(518) 474-8917

New York State Department of Social Services
Commission for the Blind and Visually Handicapped
40 North Pearl Street
Albany, New York 12243
(518) 473-1801

New York State Department of Social Services
40 North Pearl Street
Albany, New York 12234
1-800-342-3715 (DSS General Information)

New York State Office of Mental Health
44 Holland Avenue
Albany, New York 12229
(518) 474-8394

New York State Office of Mental Retardation
and Developmental Disabilities
44 Holland Avenue
Albany, New York 12229
(518) 474-6067

New York State Education Department
Office of Vocational and Educational Services
for Individuals with Disabilities
16th Floor
One Commerce Plaza
Albany, New York 12234
(518) 474-2714

State of New York
Council on Children and Families
Mayor Erastus Corning 2nd Tower Building
28th Floor
Empire State Plaza
Albany, New York 12223
(518) 474-6294

New York State Education Department
Office of General and Occupational Education
Room 979, Education Building Annex
Albany, New York 12234
(518) 473-7155

Office of Advocate for the Disabled
Agency Building #1, 10th Floor
Empire State Plaza
Albany, New York 12223
(518) 473-4129

Office of Coordinator for Disabled
Central Administration
State University of New York
State University Plaza
Albany, New York 12246
(518) 443-5101

Services for College Students with Disabilities
Bureau of Academic Information and Reports
New York State Education Department
Room 5B35 Cultural Education Center
Albany, New York 12230
(518) 473-1215

PART II

Practical Handbook

GENERAL INFORMATION

Suggestions for Your Participation

_____ Become familiar with school programs, facilities, and names of staff.

_____ Acquaint yourself with the curriculum, textbooks, and resources for your child.

_____ Ask about extracurricular activities and transportation provided to participate in these activities.

_____ Request teacher conferences, as needed.

_____ Become aware of different diploma and credential options.

Record Keeping Ideas

_____ Maintain an ongoing file of your child that would include:

- health records and notes on your child's developmental milestones, such as walking, talking, etc.
- letters from teachers or administrators
- test scores
- report cards
- conference cards
- copies of Individualized Education Program

_____ Collect samples of projects, awards, and assignments which demonstrate your child's strengths.

_____ Keep a list of frequently used phone numbers.

_____ Keep an educational history, including preschool.

_____ Keep a list of important school dates on your calendar.

Due Process Assurances

_____ Students with disabilities are entitled to:

- A free appropriate public education from ages 3 through 21.
- Instruction in the least restrictive environment.
- Equal access and due process.
- Confidentiality of records with a guarantee for parental access.

MEDICAL INFORMATION

Name of Doctor:	Address:	Phone:	Specialty:	Comments:

Health Status:

Date of physical exams: _____ _____ _____ _____ _____ _____ _____

Current medications:

IMMUNIZATION AND DATES ADMINISTERED

	Dates	Comments
Diphtheria-Tetanus-Pertussis	_____ _____ _____ _____ _____	_____
Oral Polio Vaccine	_____ _____ _____ _____ _____	_____
Measles Vaccine	_____ _____ _____ _____ _____	_____
Rubella Vaccine	_____ _____ _____ _____ _____	_____
Mumps Vaccine	_____ _____ _____ _____ _____	_____
Tuberculin Skin Test	_____ _____ _____ _____ _____	_____

Other Pertinent Information (reactions, allergies, etc.)

EDUCATIONAL HISTORY

NAME OF SCHOOL:	NAME OF TEACHER:	LOCATION:	DATES ATTENDED:	ADDITIONAL COMMENTS:

Dates of School Conferences	Participants	Teachers Comments	Your Comments

EDUCATIONAL HISTORY (continued)

POSITION	NAME	PHONE NUMBER
Teachers:		
Principal:		
School Nurse:		
Chairperson of Committee on Special Education:		
Special Education Director:		
Transportation Director:		
Building Administrator:		
PTA Representative:		
Guidance Counselor:		
Social Worker:		
Rehabilitation Counselor:		
Other:		

THE SPECIAL EDUCATION PROCESS

STEP 1

Referral

Suggestions for Your Participation

_____ Keep informed about your child's progress in school. Be aware of any difficulties and discuss them with your child and school staff.

_____ When you are notified of a referral to the CSE, contact the Committee chairperson to acknowledge receipt. Begin planning for the time and date of upcoming meetings.

_____ Ask questions about the reasons for referral and the types of tests that will be needed.

_____ Ask to see the written referral or contact the referring person for further information and clarification.

_____ If you think your child has a disability, write a letter of referral to the school principal or CSE chairperson. (Example on page 50)

_____ Unless you disagree with the need for evaluation, sign and return the consent form as soon as possible.

_____ If you would like to talk to a parent whose child is receiving special education, ask the Committee chairperson or the principal to put you in touch with the parent member of the CSE or with other parents who have expressed an interest in sharing their experiences.

_____ Read through the rights that are included in the Notice of Referral. Ask questions if you are in need of more information.

_____ Gather, from your own files, material (reports, student's work) that may be useful during the evaluation and recommendation process. For example:
- Medical information
- School records or reports
- Family history
- Your child's activities, interests, and experiences

Record Keeping Ideas

_____ Record the date you received the Notice of Referral and save the notice.

_____ Follow timelines to ensure that the process is proceeding in a timely manner.

_____ Ask for and file a copy of the referral.

Due Process Assurances

_____ A notice is sent to you as soon as the CSE receives a referral concerning your child.

_____ The notice will include a description of the proposed evaluation, your due process rights, and will ask for your consent to the proposed evaluation.

_____ All correspondence must be provided in a language that you understand.

CONTENT OF NOTICE OF REFERRAL

School districts have their own form for the Notice of Referral. However, the following information must be included in all such notices:

- Statement of proposed action and options considered.
- A description of the proposed evaluation or review and how the information will be used.
- A statement indicating that copies of your child's school files, records and reports are available to you at a reasonable cost.
- A statement describing your opportunity to participate in meetings of the Committee on Special Education for purposes of developing recommendations.
- A statement that you may be accompanied by others at the meetings.
- Information about your right to request that the school physician attend the Committee on Special Education meeting.
- Description of your right to submit evaluation information to be considered by the Committee on Special Education.
- Statement of your right to an independent evaluation at public expense if you disagree with the results of the district's evaluation or its proposed evaluation. However, the district may challenge your request through an impartial hearing.
- Upon request, a listing of agencies where independent evaluations may be obtained.
- A detailed description of the right to obtain an impartial hearing.
- Information about free or low-cost legal services that are available, including the names, addresses, and phone numbers of agencies where such services may be obtained.
- Information about the right to reimbursement for attorneys' fees.

The following assurances will be given:

- Your right to consent or withhold consent to an initial evaluation.
- A statement that, pending any proceedings, your child will remain in the current educational placement unless other arrangements are made that are agreeable to you and the Board of Education or CSE.

EXAMPLE OF A
PARENT REFERRAL LETTER TO CSE

Date_____

Dear _____:
Building Administrator and/or CSE Chairperson:

I am writing to refer my child,_____, (date of birth)_____, to the Committee on Special Education. I request that you conduct an individual evaluation to determine whether an educational disability is present that would make my child eligible for special education services.

I am concerned about my child's educational difficulties in the following areas:

Please contact me as soon as possible to discuss my referral.

Sincerely,

_____
Parent/Guardian

_____
Address

_____
City State Zip

_____
Phone

STEP 2

Evaluation

Suggestions for Your Participation

_____ Find out when testing will occur.

_____ Assist in preparing your son or daughter for the testing by explaining when and why tests are being given and who will be giving them.

_____ Gather information which may help evaluate your child:

- Review your files.
- Ask for records from other schools and programs that your child attended, also ask for records from physicians.
- Review information for consistency and make notes about your child's needs, learning preferences, and your suggestions regarding school progress.

_____ Send to the CSE any information that you would like considered during the evaluation process.

_____ Talk to a parent who has been involved in this process to discuss any concerns.

Record-Keeping Ideas

_____ Record the date you consented to your child's evaluation.

_____ Maintain a listing of dates for tests and classroom observation to record any reactions or concerns that your child may have.

_____ Include copies of notices and consents in your home file.

_____ Request copies of information currently in your child's school file and organize them in chronological order.

_____ Request a sample IEP form so that you are familiar with it.

Due Process Assurances

_____ Evaluations must be nonbiased and administered in the child's dominant language.

_____ No single test is used as the sole basis for program recommendations.

_____ Evaluation must include a physical examination, an individual psychological evaluation if determined to be needed by the psychologist, a social history, and other suitable assessments. Your child must also be observed in the classroom by someone other than the teacher in the classroom.

_____ You have the right to an independent evaluation at any time and may request that it be conducted at district expense.

_____ You must receive a notice regarding the evaluation and your due process rights.

EVALUATION DATA

NAMES OF TESTS:	TYPE OF TEST	PROPOSED DATES OF TESTS:	CONDUCTED BY:

List questions you may have about the evaluation:

List information provided to you about your child's school progress:

Describe results of discussions about evaluations:

STEP 3

Recommendation

Suggestions for Your Participation

_____ Notify the CSE that you plan to attend committee meetings.

_____ Ask for meetings to be rescheduled at a mutually convenient time if you are unable to attend as scheduled.

_____ Present information to the CSE that is related to the topic of discussion.

_____ Ask questions about information presented at meetings to clarify items to your satisfaction.

_____ Share your thoughts regarding recommended programs, including regular education options and services. As appropriate, add to the development of the IEP.

_____ Visit programs or placements being considered for your child. Ask how to set up such appointments.

_____ Consider bringing a friend, advisor, or relative to CSE meetings to provide additional support.

_____ Request a sample IEP form and become familiar with the information that is contained in it.

_____ Consider factors related to the least restrictive environment.

- Are the programs and services appropriate to your child's needs?
- Is there interaction with nondisabled peers?
- Are programs close to your home?

Record-Keeping Ideas

_____ Record the dates of CSE meetings.

_____ Record who was present at the meeting.

_____ Keep any notices or information sent to you about the meetings. If your child is recommended for special education, ask for a copy of the IEP.

_____ Save materials that may be sent out by the school (e.g., information about future parent training programs, calendars of Board meetings, PTA meetings, after-school activities, events sponsored by community groups).

Due Process Assurances

_____ You must have the opportunity to participate in the development of the IEP.

_____ You have the right to an interpreter for the deaf or translator, if needed.

_____ You have the right to bring others to meetings concerning your child's educational program.

_____ You have the right to request the physician be in attendance at IEP meetings. You must request this 72 hours before the meeting.

_____ The CSE will send you a notice regarding its recommendation to Board of Education. This notice will specify the recommendation and due process rights. The Board of Education will send you a notice of its decision and due process rights will be again included in this notice.

NOTE-TAKING FORM
CSE MEETING FOR RECOMMENDATION

Date of Meeting: _____ Date of Notice of Meeting_____

Participants:

_____ _____

_____ _____

_____ _____

Evaluations: Topics Discussed:

_____ _____

_____ _____

_____ _____

_____ _____

Results:

Classification, if any: _____

IEP Recommended Program and Services:

Regular Education _____ Special Education _____ Both_____

Recommended Placement:

Specialized Equipment:

Testing Modifications:

Other Agencies to Contact:

Questions as a result of the meeting:

_____

_____

_____

_____

(List details of the recommended IEP on additional paper)

STEP 4

Arranging for Implementation

Suggestions for Participation

_____ Read the Notice of Recommendation carefully and make sure that it fully describes the anticipated programs, services, and placement.

_____ Express your satisfaction or dissatisfaction with the recommendation as soon as possible so that your child's needs are addressed without delay.

_____ Prepare your child for changes in his or her program, such as new classrooms and activities, different transportation arrangements, and new teachers.

_____ Plan to visit and observe your child in the agreed-upon program.

_____ Ask questions about who will be working directly with your child.

_____ Ask about initial classroom assessments that might be conducted.

_____ Contact the CSE to discuss questions or problems.

Record-Keeping Ideas

_____ File a copy of the IEP and any pertinent information.

_____ Save any pertinent correspondence from teachers, administrators, and CSE members.

_____ Keep a calendar of your child's projected daily/weekly schedule. Record the date your child begins the recommended program.

Due Process Assurances

_____ Your consent is required for initial placement..

_____ Your consent is required for the initial 12-month program.

_____ The Board of Education must act upon the CSE recommendation within 30 school days.

_____ If your child is being considered for placement in a school that utilizes psychotropic drugs, you must be given a copy of the school's written policy at the time the CSE meets to consider such a placement.

SCHOOL SCHEDULE

Transportation:

Pick-Up/Drop-Off Times

Contact Person: _____

Class Schedule: (list subject, teacher, room number in each block)

TIME:	M	T	W	TH	F

School Address: _____

Telephone Number: _____

STEP 5

Annual Review

Suggestions for Your Participation

- _____ Review the IEP that was developed at the CSE meeting in order to determine the effectiveness of the program throughout the year.
- _____ Discuss areas where your child showed success and significant progress.
- _____ Discuss problems encountered throughout the year.
- _____ Suggest changes or additions for the coming year's program and services.
- _____ Ask questions about proposed goals in the IEP and request more information, as needed.
- _____ Establish the purpose for changing goals or other components of the IEP.
- _____ Discuss ways to meet the proposed goals and objectives for your child.
- _____ By ninth grade, consider plans for occupational education and postsecondary planning.
- _____ Discuss high school diploma and credential options and the need for a referral to an adult service provider for services your child may need as an adult.

Record-Keeping Ideas

- _____ Save copies of the current IEP.
- _____ Gather report cards, representative samples of your child's work and teacher conference reports.
- _____ Save copies of all notices or correspondence with the school during the year.
- _____ Save a copy of the IEP developed at the Annual Review meeting.

Due Process Assurances

- _____ The program of every student receiving special education is reviewed at least annually.
- _____ You are notified of annual review meetings in advance. This notice will include your due process rights.
- _____ You have the right to participate in the meeting and may request that the meeting be rescheduled so that you may participate.
- _____ You may request a CSE review at any time and/or withdraw your consent to the current program any time, if you cannot come to agreement regarding the program with school officials. In that case, your child would remain in the current educational placement and a hearing would be scheduled unless agreement is reached.
- _____ After completion of the annual review, the CSE will send you a notice regarding its recommendation. The notice will include your due process rights. The Board of Education will also send you a notice of its decision and your due process rights.

PREPARATION CHECKLIST FOR ANNUAL REVIEW

Records to Keep Throughout the Year

Item:	Date:	Comments:
Classroom Information		
• Report Card	_____	
• Conference Reports	_____	
• Attendance Record	_____	
• Examples of Classwork	_____	
• Student's Schedule	_____	
• Copy of IEP	_____	
• Test Results	_____	
School Correspondence		
• Teacher Requests	_____	
• School Notices	_____	
• CSE Notices	_____	
• School Calendar	_____	
• Meetings Attended	_____	
• Phone Contacts	_____	
Additional Reports		
• From Other Agencies	_____	
• Additional Health Records	_____	
• Other Independent Evaluations	_____	

STEP 6

Triennial Evaluation

Suggestions for Your Participation

_____ Periodically check your records to make sure an evaluation is scheduled every three years.

_____ When you are notified of the triennial evaluation, you may be informed of the need for additional evaluations. If you have questions about new tests, call the CSE for information.

_____ Prior to the meeting, ask to review evaluative results. Write down any questions you may have regarding reports.

Record-Keeping Ideas

_____ Record the tests that are given.

_____ Keep a record of test results from the reevaluation.

Due Process Assurances

_____ Students receiving special education must receive a triennial reevaluation.

_____ You are notified in advance of the reexamination, which includes your due process rights.

DUE PROCESS

Suggestions for Your Participation

The following suggestions are not needed in every situation and should be carefully considered prior to any action.

_____ Wherever possible, attempt to resolve conflicts informally.

_____ If you disagree with a proposed action (i.e., evaluation, recommendation, placement), express your disagreement or dissatisfaction to see if an informal resolution is possible.

_____ In some situations, you may wish to consider whether to request an impartial hearing and/or special education mediation. Before initiating the formal process, clearly identify the current problem, gather complete information, consider other points of view, consider the informal options for resolving the dispute, and plan your approach.

_____ If you wish to proceed with a formal hearing, a written request for an impartial hearing must be submitted to the Board of Education.

_____ If an impartial hearing has been requested, consider whether you want to be represented by an attorney or someone knowledgeable about special education issues.

_____ If an impartial hearing does not resolve the issue to your satisfaction, you may wish to consider an appeal to the State Review Officer.

_____ Remember that parents and school districts should be working in the best interest of the child. This should be the primary focus in resolving any disagreement.

Record-Keeping Ideas

_____ Maintain copies of all documents (notices, consents, communication from the school, communication to the school, written agreements reached at mediation).

_____ Take notes during information conferences, meetings, and hearing.

Appeals to the Commissioner

_____ (The section that follows describes the appeal process.)

Appeals to the State Review Officer

If you are dissatisfied with the decision of the impartial hearing officer, you may proceed with an appeal to the State Review Officer. This appeal is a request for review of the impartial hearing officer's decision and is not another hearing. The decision of the State Review Officer will be based on the testimony and exhibits given to the hearing officer at the impartial hearing. Oral arguments before the State Review Officer are not permitted, only submission of papers. It is very important that the procedures required for appeal are followed exactly. As you proceed with this appeal, it will be helpful to keep the following points in mind:

- The **Petition** is a statement of the petitioner's reasons for disagreeing with the hearing officer's decision and a request that the State Review Officer set aside such decision.
- The **Petitioner** is the person or party that initiates the appeal (either you or the Board of Education).
- The **Respondent** is the party that must answer the issues in the petition (either you or the Board of Education).
- Parents or legal guardians may initiate an appeal on behalf of the child.

The procedures and timelines described below must be followed carefully. The procedures are described with the assumption that the parent is the petitioner for purposes of this manual. (Forms follow steps 1-10.) Your appeal must be based upon the documents presented and the testimony given at the hearing. You should obtain a copy of the electronic or written exact record of the hearing from the Board of Education, to help you to prepare your appeal. You may want to get advice or assistance from a lawyer or parent advocate before proceeding with the steps below.

1. **How to Initiate an Appeal**

   A *Notice of Intention to Seek Review* (Form A) must be served upon the Board of Education not less than 10 calendar days before the petition is served and within 30 calendar days after receipt of the decision of the hearing officer.

   After the Notice of Intention to Seek Review is typed, a copy of the notice must be hand-delivered by someone other than the petitioner to the school district clerk, any trustee or member of the Board of Education, to the superintendent of schools, or to a person in the superintendent's office who has been designated by the Board to accept service. The original copy of the Notice of Intention and an Affidavit of Service of the copy of the notice upon the Board should be mailed to the Office of Counsel of the State Education Department in Albany within five days after the delivery of the copy to the Board.

2. **Preparing the Appeal**

   In addition to the Notice of Intention to Seek Review, the petitioner must prepare a Notice with Petition (Form B), the Petition, an Affidavit of Verification (Form C) and an Affidavit of Personal Service (Form D).

   Notice with Petition (Form B). This document should have the same heading in the box in the upper left-hand corner as the heading in the upper left-hand corner of the Notice of Intention to Seek Review. The body of the Notice with Petition must contain the words exactly as they appear on Form B, and must be signed by you at the bottom. A copy of the Notice with Petition should be attached to the Petition. One copy of the Notice with Petition, a copy of the Petition and a copy of the Affidavit of Verification must be delivered to the Board of Education in the same way that the Notice of Intention to Seek Review was delivered to the Board.

   Petition. There is no standard form for the Petition. However, the Petition should be prepared in accordance with the following directions.

   — The Petition should be typewritten, double spaced, on standard 8 1/2 by 11 inch white paper.

— A caption or heading should appear in the upper left hand corner in the same manner as it appears on the Notice of Intention to Seek Review and the Notice with Petition.
— Number each paragraph of the Petition. Each paragraph should be limited to a single thought or issue.
— Begin the Petition by identifying yourself as the parent or person in parental relationship to the child.
— State the child's age, and the name of the school, if any, which the child is attending.
— If you have met with the School District Committee on Special Education, state whether the Committee decided that the child has a disability and the name of that disability.
— If the Committee on Special Education decided that your child should receive special help, describe what the Committee advised you that your child should receive, such as a special class or special services.
— State the date when you requested a hearing, and when you received a copy of the hearing officer's decision.
— Explain to the State Review Officer what part(s) of the hearing officer's decision you disagree with, and why you disagree with the hearing officer's decision. If possible, you should refer to the evidence in the record, such as pages in the written transcript of the hearing or written documents which were presented at the hearing, to support your argument.
— If you object to the way in which the hearing was conducted, you should state your objection, and if possible, you should refer to pages of the written record of the hearing which relate to your objection.
— If you object to the way in which your meeting with the Committee on Special Education was conducted, state the date of the meeting and why you believe it was conducted improperly.
— While you are not required to refer to portions of Federal or State laws or regulations to support your argument that the decision of the Hearing Officer should be overturned or amended, you may do so in the Petition. You may also submit a separate document detailing your legal arguments. The separate document is a memorandum of law.
— At the end of the Petition, you should explain to the State Review Officer what you would like to see happen. For example, your child's classification should be changed or not be changed, and/or your child's class should be changed or not be changed.

Affidavit of Verification (Form C). In this form the petitioner makes an oath in front of a Notary Public or Commissioner of Deeds that the statements in the Petition are true to the best of the petitioner's knowledge. You will usually find a Notary Public or a Commissioner of Deeds in a government office, or a bank, or by looking in the yellow pages of your telephone directory.

3. **Serving the Petition**

The petitioner must have a copy of the Notice with Petition, a copy of the Petition and a copy of the Affidavit of Verification hand-delivered to the Board of Education by someone over the age of 18 who is not a party to the appeal (not you or the child involved).

Two photocopies of all the papers should be made. One photocopy must be delivered to the Board and you should keep the other photocopy. The original of the Notice with Petition, the Petition and the Affidavit of Verification and an Affidavit of Service of a copy of the petition upon the Board are filed with the State Review Officer (see Step 5).

4. **Notarizing the Affidavit of Personal Service**

The *Affidavit of Personal Service Form* (Form D) must be signed in the presence of a Notary Public or a Commissioner of Deeds by the person who delivered the documents described in Step 3 to the Board of Education. The original of the Affidavit should be attached to the original Petition. You should keep a copy of the Affidavit.

5. **Filing the Appeal with the State Review Officer**

The petitioner must file the following items with the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234. **All papers sent must be the original.**

— Notice of Intent to Seek Review (Form A)
— Notice with Petition (Form B)
— Petition
— Affidavit of Verification (Form C)
— Affidavit of Personal Service (Form D)

6. Within 10 days after receiving the Petition, the respondent must serve an Answer to the Petition. The Answer may be served by personal delivery to the petitioner or by mailing a copy of the Answer to the petitioner. If the petitioner is represented by an attorney, the Answer should be served on the petitioner's attorney. Written argument, in the form of a memorandum of law, may also be submitted by the respondent.

7. If the Board of Education is the petitioner, you should prepare an Answer to the Petition. After reading the Petition, you should decide whether you disagree with any of the statements in the separately numbered paragraphs of the Petition. In your Answer, you should respond to each paragraph of the Petition, by admitting or denying the truth of the statements in each paragraph. After making admissions and denials in your Answer, you should briefly explain to the State Review Officer why you believe that the decision of the hearing officer should not be changed. A photocopy of the Answer should be served upon the Petitioner, as described in Step 6.

   If the Answer is hand-delivered to the Board of Education, the person who delivered the Answer must sign an Affidavit of Personal Service (Form D). If the Answer was served by mail, the person who mailed the Answer must sign an Affidavit of Service by Mail (Form E). The person must sign either Affidavit in the presence of a Notary Public or Commissioner of Deeds. The original of the Answer and of the Affidavit of Service must be sent to the Office of Counsel within two calendar days of the date that the answer was served on the petitioner.

8. The petitioner may reply to the Answer of the respondent only with respect to any procedural defenses asserted in the Answer or with respect to any additional documentary evidence filed with the Answer. No other reply will be accepted by the State Review Officer. The reply must be served on the respondent and filed, together with an Affidavit of Service (Form D or E), with the Office of Counsel within three calendar days after the service of the answer.

9. In each appeal, the Board of Education has the responsibility to file with the Office of Counsel a copy of the written transcript and all exhibits before the hearing officer and the hearing officer's decision.

10. Any party to an appeal may challenge the impartiality of the State Review Officer, who may not have any personal, economic or professional interest in the hearing to be reviewed. The State Review Officer may not have been employed at any time by a party to the appeal, and may not, in any way, have been substantially involved in the development of any State or local policy or procedure challenged at the hearing.

11. **Decision of the State Review Officer**

    The State Review Officer must make a decision on your appeal within 30 calendar days after the State Education Department receives your request for review of the impartial hearing officer's decision. Copies of the Review Officer's decision will be mailed to you, or your attorney, if you are represented by an attorney, and to the attorney for the Board of Education.

12. **Judicial Review of the State Review Officer's Decision**

    If you are dissatisfied with the State Review Officer's final determination, you may obtain judicial review of such determination in either State Supreme Court or Federal District Court. A lawsuit to review the State Review Officer's decision must be commenced within four months after the decision is rendered.

FORM A

NOTICE OF INTENTION TO SEEK REVIEW

IN THE MATTER OF THE APPEAL OF, :

[parent's name]
on behalf of [child's name] :

Petitioners, :

-against-

[school district's name] :

Respondent. :

NOTICE:

The undersigned intends to seek review of the determination of the hearing officer concerning the identification, evaluation or placement of [child's name in action]. Upon receipt of this notice you are required to have prepared a written transcript of the proceedings before the hearing officer in this matter. A copy of the transcript and of the decision of the hearing officer must be filed with the answer to the petition for review to be filed by the undersigned with the Commissioner of Education.

Dated:

Signature
(parent or person in parental relationship who has initiated the appeal)

FORM B

NOTICE WITH PETITION

IN THE MATTER OF THE APPEAL OF, :

[parent's name]
on behalf of [child's name] :

Petitioners, :

-against-

[school district's name] :

Respondent. :

NOTICE:

You are hereby required to appear in this review and to answer the allegations contained in this petition. Your answers must conform with the provisions of the regulations of the Commissioner of Education relating to reviews of this nature, copies of which are available from the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.

If an answer is not served and filed in accordance with the provisions of such regulations, the statements contained in the petition will be deemed to be true statements, and a decision will be rendered thereon by the Commissioner.

Please take notice that such regulations require that an answer to the petition must be served upon the petitioner, or if petitioner is represented by counsel, upon such counsel, within ten days after the service of the petition for review, and that a copy of such answer must, within two days after such service, be filed with the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.

Dated:

Signature
(parent or person in parental relationship who has initiated the appeal)

FORM C

AFFIDAVIT OF VERIFICATION

STATE OF NEW YORK

ss.

COUNTY OF_____

[parent making petition], being duly sworn, deposes and says that he/she is (relationship to child) in this proceeding; that he/she has read the annexed (petition/answer) and knows the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.

Signature
(parent making petition)
(print name below signature)

Subscribed and sworn to before me
this [date] day of [month] 19[year].

(Signature and Title of Officer)
Notary Public-Commissioner of Deeds

FORM D

AFFIDAVIT OF PERSONAL SERVICE

DEPARTMENT OF EDUCATION
STATE OF NEW YORK
COMMISSIONER OF EDUCATION

IN THE MATTER OF THE APPEAL OF, :

[parent's name]
on behalf of [child's name] :

Petitioners, :

-against-

[school district's name] :

Respondent. :

STATE OF NEW YORK

ss.

COUNTY OF (your county)

[name of deliverer] being duly sworn, deposes and says that he/she is over the age of eighteen years and is not a party in this proceeding; that on the [date] day of [month], 19____, at No. _____ Street, in the town of _____, county of _____, State of New York, he/she served the annexed [notice, petition, and memorandum in support of petition] on [school districts name] by delivering to and leaving with said [receiver of papers] at said time and place a true copy thereof.

Deponent further says he/she knew the person so served to be the said [receiver of paper], who is [position of receiver] in said district.

_____
Signature
(name of deliverer)

Subscribed and sworn to before me
this _____ day of_____, 19____.

_____
Notary Public

FORM E

AFFIDAVIT OF
SERVICE BY MAIL

STATE OF NEW YORK

ss.

COUNTY OF (county of hearing)

[name of deliverer], being duly sworn, deposes and says that he/she is over the age of eighteen years and is not a party in this proceeding; that on the [date] day of [month], 19[year], deponent served the within [notice, petition, and memorandum in support of petition] upon [respondent] in this action, at [school district], the addresses designed by [school district] for that purpose by depositing a true copy of the same by mail, enclosed in a post-paid properly addressed wrapper, in _____ a post office _____ official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

_____ Signature
(name of deliverer)

Subscribed and sworn to before me
this _____day of _____ 19___.

(Signature and Title of Officer)

This form is used only when answering the petition and serving by mail and is not required of the petitioner when filing an appeal.

PLANNING AHEAD

Suggestions for Your Participation

____ Discuss long-term goals that you and your child have established. Plan services or programs with these goals in mind.

____ Stay informed of changes and additions to laws, regulations, and State and local policies.

____ Attend workshops, seminars, and conferences on topics related to special education.

____ Keep in touch with other parents whose children have similar needs. Join community organizations that inform others on the topic of special education.

____ If your child is about to become 18, consider whether he or she will be able to provide "informed consent" dependent on the degree of the disability. If you believe you should be acting on your child's behalf, you should consider getting that permission through the court system. Discuss this matter with the CSE chairperson.

Record-Keeping Ideas

____ Maintain a directory of key people and contacts.

____ Record general information on your son's or daughter's skills. This may be useful in planning for services throughout and beyond the school years.

____ Keep a cumulative folder.

Due Process Assurances

____ All students have the right to attend school until receipt of a diploma or age 21. Students who receive a high school IEP diploma are eligible to attend school until age 21.

KEY PEOPLE DIRECTORY

Name:_____ Phone:_____

Title:_____

Address:_____

_____

_____

Purpose of contact: _____ Contact Date:_____

Summary:

Purpose of contact: _____ Contact Date:_____

Summary:

Purpose of contact: _____ Contact Date:_____

Summary:

CHILD PROFILE

How does your child learn?

- Strengths:

- Areas for Improvement:

What are your child's study skills?

- Strengths:

- Areas for Improvement:

How does your child spend free time?

- Strengths:

- Areas for Improvement:

What are your child's physical abilities?

- Strengths:

- Areas for Improvement:

CHILD PROFILE (continued)

How does your child communicate?

- Strengths:

- Areas for Improvement:

How does your child get along with others?

- Strengths:

- Areas for Improvement:

How does your child feel about himself/herself?

- Strengths:

- Areas for Improvement:

TIMELINE FOR PLANNING BEYOND HIGH SCHOOL

By Age 16

ACTION	SOURCE OF ASSISTANCE
Apply for Social Security	Social Security Administration
Obtain Work Permit	School Office
Obtain Information on Driver's Licenses	Department of Motor Vehicles
Inquire About Services of Adult Service Providers	Office of Vocational and Educational Services for Individuals with Disabilities, Office of Mental Health, Office of Mental Retardation and Developmental Disabilities through your local Developmental Disabilities Services Office, State and local Department of Social Services, including Commission for the Blind and Visually Handicapped

By Age 18

ACTION	SOURCE OF ASSISTANCE
Apply for Supplemental Security Income (SSI) and Medicaid	Social Security Administration
Register to Vote	City Hall
Register for Draft	Post Office
Obtain Personal ID Card	Local Police Department
Inform health insurance company of son's/daughter's disability and obtain a rider of continued eligibility. Variances may be granted as long as your child lives in your home.	Insurance Agency or Employment Office

By Age 21

ACTION	SOURCE OF ASSISTANCE
Visit Adult Programs	Community Agencies and local State agency staff, (e.g., the OMRDD Developmental Disabilities Services Offices)
Apply for Medicaid	Social Security Administration
Attend to Financial Planning - wills, estates, trusts	Attorney
Explore Federal Benefits	Social Security Administration
Research Adult Living Situations	Office of Vocational and Educational Services for Individuals with Disabilities, Office of Mental Health, and Office of Mental Retardation and Developmental Disabilities Services Offices, State and local Department of Social Services, including Commission for the Blind and Visually Handicapped
Contact Community Recreational Social Programs	Office of Vocational and Educational Services for Individuals with Disabilities, Office of Mental Health, local Office of Mental Retardation and Developmental Disabilities Services Offices, State and local Department of Social Services, including Commission for the Blind and Visually Handicapped

RESUME OF WORK-RELATED EXPERIENCE

Standard job applications require a chronological listing of significant work-related experiences. Develop and update your son's or daughter's experiences. If possible, teach your child how to do this independently. Work-related experience may include part-time/full-time jobs, vocational training experiences, volunteer experiences, or clubs and community activities.

DESCRIPTION OF WORK-RELATED EXPERIENCE	DATES	CONTACT PERSON (for reference: name, address, phone)	ADDITIONAL COMMENTS
1.			
2.			
3.			
4.			
5.			

LIST OF FREQUENTLY USED ACRONYMS

ADL	Activities of Daily Living
BOCES	Board of Cooperative Educational Services
BOE	Board of Education
CBVH	Commission for the Blind and Visually Handicapped
CSE	Committee on Special Education
CP	Cerebral Palsy
DDSO	Developmental Disabilities Service Office (the local office of the Office of Mental Retardation and Developmental Disabilities)
DSS	Department of Social Services
ECDC	Early Childhood Direction Centers
ERSS	Educationally Related Support Services
ED	Emotionally Disturbed
FAPE	Free Appropriate Public Education
FERPA	Family Educational Rights and Privacy Act of 1974 ("Buckley Amendment" on Confidentiality)
504	Rehabilitation Act of 1973 (Public Law 93-112, Section 504)
IEP	Individualized Education Program
IHO	Impartial Hearing Officer
IQ	Intelligence Quotient
JTPA	Job Training Partnership Act
LD	Learning Disabled
LEA	Local Educational Agency
LRE	Least Restrictive Environment
MR	Mentally Retarded
OSES	Office for Special Education Services (formerly named the Office for Education of Children with Handicapping Conditions, State Education Department)
OMH	Office of Mental Health
OMRDD	Office of Mental Retardation and Developmental Disabilities
OT	Occupational Therapist/Occupational Therapy
P.L. 94-142	The Education of All Handicapped Children Act (EHA), renamed the Individuals with Disabilities Education Act (IDEA)
P.L. 95-561	1978 Education Amendments and Extension of P.L. 94-142

P.L. 98-199	1983 Revision and Extension of P.L. 94-142
P.L. 99-372	Attorney's Fees and Extension of P.L 94-142
P.L. 99-457	Preschool, Postsecondary and Transitional Services Extension of P.L. 94-142
P.L. 100-630	1988 Technical Amendments to P.L. 94-142
P.L. 101-476	1990 The Individuals with Disabilities Education Act (IDEA): renamed, revised, and extended P.L. 94-142
PT	Physical Therapist
RT	Recreational Therapist
SED	State Education Department
SETRC	Special Education Training and Resource Centers
SSI	Supplemental Security Income
VESID	Office of Vocational and Educational Services for Individuals with Disabilities

OTHER RESOURCES AVAILABLE

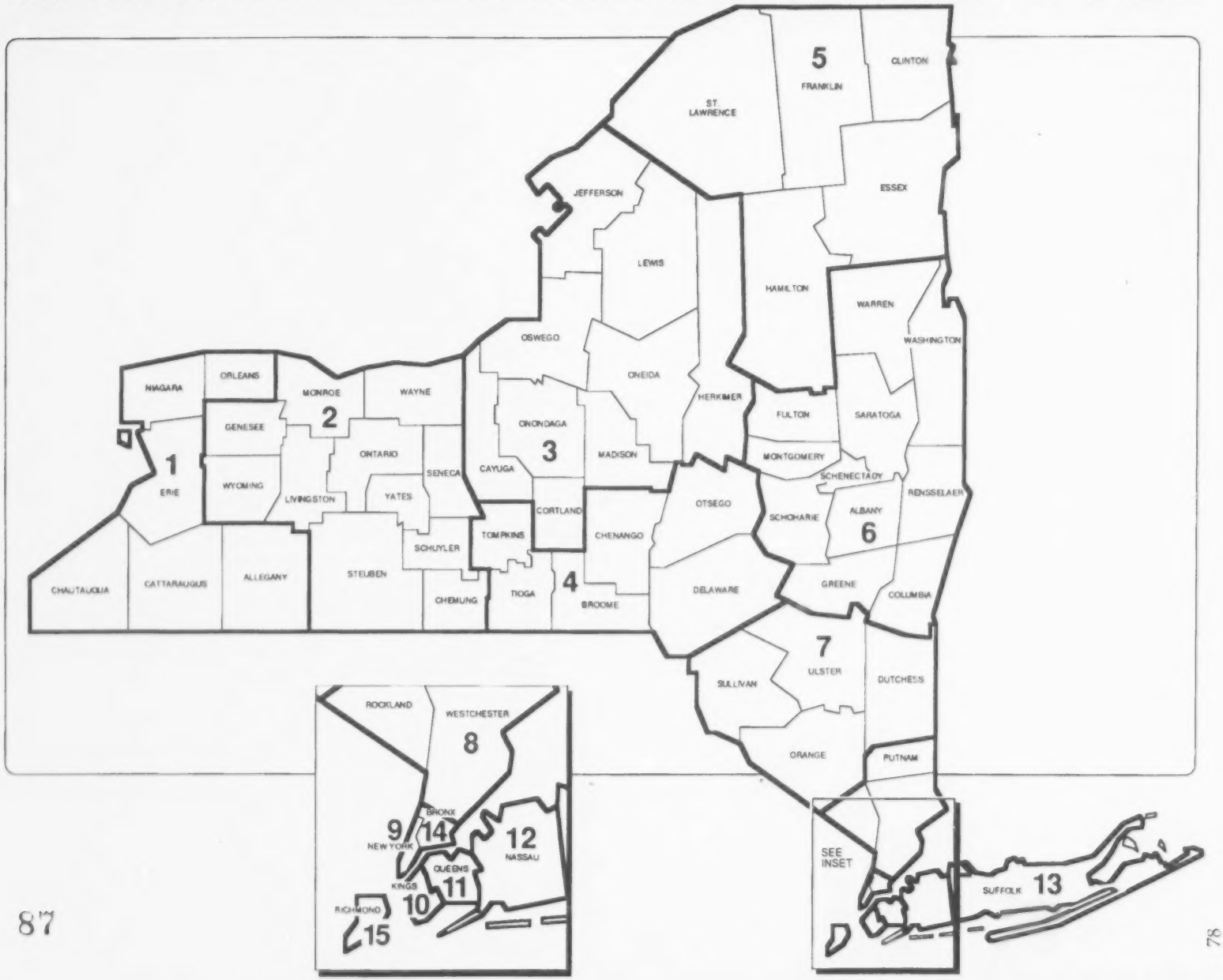
EARLY CHILDHOOD DIRECTION CENTERS

SPECIAL EDUCATION TRAINING AND RESOURCE CENTERS

OSES REGIONAL OFFICES

INFORMATION CHECKLIST

NEW YORK STATE EARLY CHILDHOOD DIRECTION CENTER NETWORK - 15 CENTERS



New York State Early Childhood Direction Centers

Coordinating Office
New York State Education Department
Office of Vocational and Educational Services
for Individuals with Disabilities
Room 1607, One Commerce Plaza
Albany, New York 12234
(518) 473-4823

The Early Childhood Direction Centers, coordinated by the New York State Education Department, are resources for parents of children with disabilities from birth to five years of age. They provide information about special education programs and help parents obtain services for their children.

The following list is provided for you to identify the Early Childhood Direction Center in your area.

1. **Early Childhood Direction Center**
   Children's Hospital
   of Buffalo
   936 Delaware Avenue
   Buffalo, NY 14209
   (716) 878-7282 or
   1-800-462-7653

2. **Regional Early Childhood Direction Center**
   264 Village Landing
   Fairport, NY 14450
   or
   University of Rochester
   Strong Memorial Hospital
   Box 671
   601 Elmwood Avenue
   Rochester, NY 14642
   1-800-462-4344 or
   (716) 223-6220

3. **Early Childhood Direction Center**
   Syracuse University
   200 Huntington Hall-2nd Fl.
   Syracuse, NY 13244-2340
   1-800-962-5488 or
   (315) 443-4444,
   (315) 443-3851

4. **Early Childhood Direction Center**
   Broome-Delaware-Tioga
   BOCES
   421 Upper Glenwood Road
   Binghamton, NY 13905-1699
   (607) 729-9301, Ext. 421
   or 422

5. **Early Childhood Direction Center**
   Franklin-Essex-Hamilton BOCES
   West Main Road
   P.O. Box 28
   Malone, NY 12953
   (518) 483-6523

6. **Early Childhood Direction Center of the Capital Region**
   Albany-Schenectady-Schoharie
   BOCES
   Maywood Elementary School
   1979 Central Avenue
   Albany, NY 12205
   (518) 456-9071

7. **Early Childhood Direction Center**
   25 Webster Street
   Kingston, NY 12401
   (914) 338-6755

8. **Early Childhood Direction Center**
   St. Agnes Hospital
   305 North Street
   White Plains, NY 10605
   (914) 681-4656

9. **Early Childhood Direction Center**
   NY Hospital -N- 507
   525 East 68th Street
   New York, NY 10021
   (212) 746-6175

10. **Early Childhood Direction Center**
    SUNY at Brooklyn
    450 Clarkson Avenue
    Box 49
    Brooklyn, NY 11203
    (718) 245-4081

11. **Early Childhood Direction Center**
    United Cerebral Palsy of Queens
    82-25 164th Street
    Jamaica, NY 11432
    (718) 380-3000, Ext. 265

12. **Early Childhood Direction Center**
    Variety Pre-Schooler's Workshop
    47 Humphrey Drive
    Syosset, NY 11791
    (516) 366-8580

13. **Early Childhood Direction Center**
    Suffolk Child Development
    Center
    27 N. Bicycle Path
    Selden, NY 17784
    (516) 696-2040

14. **Early Childhood Direction Center**
    Lincoln Medical and Mental
    Health Center
    234 East 149th Street
    7B - Room 134
    Bronx, NY 10451
    (212) 579-5778 or 579-5779

15. **Early Childhood Direction Center**
    Staten Island University
    Hospital
    475 Seaview Avenue
    Staten Island, NY 10305
    (718) 226-6319

NEW YORK STATE SPECIAL EDUCATION TRAINING AND RESOURCE CENTER (SETRC) NETWORK

Coordinating Office
New York State Education Department
Office for Special Education Services
Division of Program Development and Support Services
Albany, New York 12234
(518) 474-8917, 474-2251, or 474-5804 or 473-7563

Albany-Schoharie-Schenectady BOCES SETRC
Maywood School
1979 Central Avenue
Albany, New York 12205
(518) 456-9069

Broome-Delaware-Tioga BOCES SETRC
421 Upper Glenwood Road
Binghamton, New York 13905-1699
(607) 729-9301, Ext. 362 and 303

Buffalo City SETRC
School #75
99 Monroe Street
Buffalo, New York 14206
(716) 851-3919 or 851-3844

Buffalo City SETRC
Part 200 Management System
School #26
84 Harrison Street
Buffalo, New York 14210
(716) 828-4710

Cattaraugus-Allegany-Erie-Wyoming BOCES SETRC
1825 Windfall Road
Olean, New York 14760
(716) 372-8293, Ext. 224

Cayuga-Onondaga BOCES SETRC
5980 South Street Road
Auburn, New York 13021
(315) 253-0361

Clinton-Essex-Warren-Washington BOCES SETRC
Box 455
Plattsburgh, New York 12901
(518) 561-0900, Ext. 216

Delaware-Chenango SETRC
10 North Canal Street
Greene, New York 13778
(607) 656-4105

Dutchess BOCES SETRC
578 Salt Point Turnpike
Poughkeepsie, New York 12601
(914) 471-9200, Ext. 497

Erie 1 BOCES SETRC
1050 Maryvale Drive
Cheektowaga, New York 14225
(716) 631-2894

Erie 2-Chautauqua-Cattaraugus BOCES SETRC
LoGuidice Center
Building A
9520 Fredonia Stockton Road
Fredonia, New York 14063
(716) 672-4371, Ext. 264, 275, or 337
1-800-344-9611

Franklin-Essex-Hamilton BOCES SETRC
North Franklin Educational Center
52 State Street
Malone, New York 12953
(518) 483-1390

Genesee-Wyoming BOCES SETRC
8250 State Street Road
Batavia, New York 14020
(716) 344-7738

Hamilton-Fulton-Montgomery BOCES SETRC
Fulton-Montgomery Community College
Route 67 - Room L210
Johnston, New York 12095
(518) 762-7754

Herkimer-Fulton-Hamilton-Otsego BOCES SETRC
400 Gros Boulevard
Herkimer, New York 13350-1499
(315) 867-2082

Jefferson-Lewis-Hamilton-Herkimer-Oneida BOCES SETRC
Arsenal Street Road
Watertown, New York 13601
(315) 785-9137
1-800-544-3645

Livingston-Steuben-Wyoming BOCES SETRC
Holcomb Building
Geneseo, New York 14454
(716) 243-5470

Madison-Oneida BOCES SETRC
Spring Road
Verona, New York 13478
(315) 363-8000

Monroe 1 BOCES SETRC
119-S South Avenue
Webster, New York 14580
(716) 265-4030

Monroe 2-Orleans BOCES SETRC
3599 Big Ridge Road
Spencerport, New York 14559
(716) 352-2443 or 352-2483

Nassau County BOCES SETRC
Rosemary Kennedy Center
2850 North Jerusalem Road
Wantagh, New York 11793
(516) 781-4044, Ext. 270, 271, or 272

New York City SETRC
Community School District #31
211 Daniel Low Terrace
Staten Island, New York 10301
(718) 448-9600, Ext. 42

New York City SETRC
UFT - Special Education Support Program
260 Park Avenue South
New York, New York 10010
(212) 260-7679

New York City SETRC
Alternative High Schools and Programs
351 West 18th Street
Room 136
New York, New York 10011
(212) 206-0570

NYC Region I SETRC
P.S. 811
55 East 120th Street
New York, New York 10035
(212) 534-6500

NYC Region II SETRC
Edward R. Byrne School
2750 Lafayette Avenue
Room 304
Bronx, New York 10465
(212) 892-5527

NYC Region III SETRC
360 36th Street
Brooklyn, New York 11232
(718) 965-4800, Ext. 53

NYC Region IV SETRC
P.S. 199
1100 Elm Street
Brooklyn, New York 11230
(718) 645-8515

NYC Region V SETRC
Francis Lewis High School
58-20 Utopia Parkway
Flushing, New York 11365
(718) 357-8510

New York City SETRC
Basis High School
Superintendent Office
1171 65th Street
Brooklyn, New York 11219
(718) 236-5455, Ext. 43

New York City SETRC
Bronx Superintendent Office
Room 122
3000 E. Tremont Avenue
Bronx, New York 10461
(212) 892-9926

New York City SETRC
Brooklyn High School
Superintendent Office
Room 200
1600 Avenue L
Brooklyn, New York 11230
(718) 338-9703 Ext. 660

New York City SETRC
Queens High School
Superintendent Office
Newtown Annex High School
105-25 Horace Harding Expressway
Corona, New York 11368
(718) 592-4496

Oneida-Herkimer-Madison BOCES SETRC
Box 70 - Middle Settlement Road
New Hartford, New York 13413
(315) 768-4614 or 768-4686

Onondaga-Cortland-Madison BOCES SETRC
P.O. Box 4774
Syracuse, New York 13221
(315) 433-2645

Ontario-Seneca-Yates-Cayuga-Wayne BOCES SETRC
Finger Lakes Educational Center
3501 County Road 20
Stanley, New York 14561
(716) 526-6410

Orange-Ulster BOCES SETRC
RD #2
Gibson Road
Goshen, New York 10924
(914) 294-2284, Ext. 276

Orleans-Niagara BOCES SETRC
Kenan Site
195 Beattie Avenue
Lockport, New York 14094
(716) 439-4328, 439-4329 or
439-4320

Oswego BOCES SETRC
County Route 64
Mexico, New York 13114
(315) 963-4320

Otsego-Northern Catskills BOCES SETRC
Rexmere Park
Stamford, New York 12167
(607) 652-7531, Ext. 240

Putnam-No. Westchester BOCES SETRC
200 BOCES Drive
Yorktown Heights, New York 10598
(914) 245-1050 or 245-2700, Ext. 288

Rensselaer-Columbia-Greene BOCES SETRC
1550 Schuurman Road
Castleton, New York 12033
(518) 732-4474

Rochester City SETRC
Central Administrative Offices
131 West Broad Street
Rochester, New York 14614
(716) 262-8710 or 262-8711

Rockland BOCES SETRC
BOCES Media Center
Railroad Avenue School
One Cosgrove Avenue
West Haverstraw, New York 10993
(914) 429-1090

St. Lawrence-Lewis BOCES SETRC
Northeast Campus
P.O. Box 330
Norwood, New York 13668
(315) 353-6684

Saratoga-Warren BOCES SETRC
Myers Educational Center
Henning Road
Saratoga Springs, New York 12866
(518) 584-3239, Ext. 286

Schuyler-Chemung-Tioga BOCES SETRC
Instructional Support Center
431 Philo Road
Elmira, New York 14903
(607) 739-3581, Ext. 455

Steuben-Allegany BOCES SETRC
6666 Babcock-Hollow Road
Bath, New York 14810
(607) 776-7631

Suffolk 2 BOCES SETRC
School Services Center
Winganhauppauge Road
Islip, New York 11751
(516) 277-7403

Sullivan BOCES SETRC
85 Ferndale Loomis Road
Liberty, New York 12754
(914) 292-0082

Syracuse City SETRC
Teacher Center
501 Park Street
Syracuse, New York 13203
(315) 425-4685

Tompkins-Seneca-Tioga BOCES SETRC
555 South Warren Road
Ithaca, New York 14850
(607) 257-1551, Ext. 276

Ulster BOCES SETRC
175 Route 32 North
New Paltz, New York 12561
(914) 255-1402

Washington-Warren-Hamilton-Essex BOCES SETRC
Dix Avenue
Southern Adirondack Education Center
Hudson Falls, New York 12839
(518) 793-7721, Ext. 219

Westchester 2 BOCES SETRC
Instructional Services Department
2 Westchester Plaza
Elmsford, New York 10523
(914) 345-8500

Yonkers City SETRC
Administrative Annex
John Burroughs Junior High School
150 Rockland Avenue - Room 4031
Yonkers, New York 10710
(914) 376-8208, Ext. 245

OFFICE FOR SPECIAL EDUCATION SERVICES

REGIONAL OFFICES AND AREAS SERVED

The Division of Program Monitoring is comprised of five Regional Offices staffed by Regional Associates. They are responsible for monitoring special education services and providing technical assistance to the schools and residents of their regions.

ALBANY REGION
Mary Raihofer, *Supervisor*
NYS Education Department
9C49 Cultural Education Center
Empire State Plaza
Albany, NY 12230
(518) 474-5356
Fax: (518) 473-8733

WESTCHESTER REGION
Paula Shindledecker, *Supervisor*
NYS Education Department
1950 Edgewater Street
Yorktown Heights, NY 10598-4325
(914) 245-0010
Fax: (914) 245-2952

LONG ISLAND REGION
Steven Berman, *Supervisor*
NYS Education Department
Salisbury Center
Valentines and the Plain Roads
P.O. Box 1034
Westbury, NY 11590-0114
(516) 997-8700 ext. 245
Fax: (516) 338-0238

DIVISION OF PROGRAM MONITORING
Hannah Flegenheimer, *Division Director*
NYS Education Department
55 Hanson Place
Brooklyn, NY 11217-1580
(718) 260-2705
Fax: (718) 260-2704

WESTERN REGION
Gabe Coppola, *Supervisor*
NYS Education Department
Richmond Avenue
Batavia, NY 14020-1499
(716) 344-2112
Fax: (716) 343-2660

NYC REGION
Rebecca Cort, *Bureau Chief*
Rebecca Skinner, *Supervisor*
Christine Zwierko, *Supervisor*
Patricia Shubert, *Supervisor*
Catherine Kerins, *Supervisor*
NYS Education Department
55 Hanson Place
Brooklyn, NY 11217-1580
(718) 260-2705
Fax: (718) 260-2704

OSES REGIONAL OFFICES

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Hannah Flegenheimer, Division Director
(718) 260-2705

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(716) 344-2112

ALBANY REGION
Mary Raihofer, Supervisor
NYS Education Department
Cultural Education Center
Room 9C-49 CEC
Empire State Plaza
Albany, New York 12230
(518) 474-5356

WESTCHESTER REGION
Paula Shinkledecker, Supervisor
NYS Education Department
1950 Edgewater Street
Yorktown Heights, New York 10598
(914) 245-0010

NEW YORK CITY REGION
Rebecca Cort, Bureau Chief
NYS Education Department
55 Hanson Place
Brooklyn, New York 11217-1580
(718) 260-2705

LONG ISLAND REGION
Steve Berman, Supervisor
NYS Education Department
Salisbury Center
Valentines and The Plain Roads
P.O. Box 1034
Westbury, New York 11590-0114
(516) 977-8700, Ext. 245

The University of the State of New York
NEW YORK STATE EDUCATION DEPARTMENT
Office for Special Education Services
Division of Program Development
and Support Services
Room 1069, Education Building Annex
Albany, New York 12234
6/92

INFORMATION CHECKLIST

SINGLE COPIES of the following publications from the New York State Education Department are available at no cost from the Special Education Training and Resource Center (SETRC) network. Write your name and address below, check the items you would like to receive, and return this form to your local SETRC. A listing of the addresses is attached. Please allow 3 - 4 weeks for delivery. If you would like several copies of any publication, return this form to the New York State Education Department, Office for Special Education Services, **Attention: Publications,** at the above address.

NAME: _____ POSITION: _____

ADDRESS: _____

_____

_____ ZIP: _____

New York State Laws and Regulations

____ **Article 89 of the Education Law**

This section of the State's Education Law specifies the educational responsibilities of local school districts and the State Education Department to educate students with disabilities.

____ **Article 81 of the Education Law**

The State law governing the education of children residing in child care institutions including those who do and do not have disabilities.

____ **Part 200 of the Regulations of the Commissioner of Education (5/92)**

The State regulations for the education of students with disabilities.

Federal Laws and Regulations

____ **Education of the Handicapped Act, 20 United States Code, Sections 1400-1461** ***(as amended by P.L. 94-142, P.L. 98-199, P.L. 99-372, P.L. 99-457, and P.L. 100-630)***

____ **The Individuals with Disabilities Act (IDEA) (P.L. 101-476)**

This 1990 law amends the Education of the Handicapped Act.

____ **Assistance to States for Education of Handicapped Children, 34 Code of Federal Regulations, Part 300** ***(1990)***

The Federal regulations which establish procedures to implement the Federal law regarding the education of students with disabilities at the State and local level.

____ **Section 504 of the Rehabilitation Act of 1973, 29 United States Code 794 and Nondiscrimination on the Basis of Handicap, 34 Code of Federal Regulations, Part 104**

Law and regulations regarding nondiscrimination on the basis of handicap under Federal grants and program.

____ **Family Educational Rights and Privacy Act of 1974, 20 United States Code, Section 1232g and Family Education Rights and Privacy, 34 Code of Federal Regulations, Part 99**

Law and regulations regarding student records and confidentiality; also referred to as the Buckley amendment.

Publications

____ **A Parent's Guide to Special Education: Your Child's Right to an Education in New York State** ***(1992)***

This guidebook is written for parents. It explains the special education process, as well as the responsibilities of the State and local educational agencies to children with educational disabilities.

____ ***(UNDER REVISION)*** **A Guidebook for Committees on Special Education in New York State** ***(1987)***

A manual to assist CSE members in meeting regulatory responsibilities; includes management strategies.

____ ***(UNDER REVISION)*** **Technical Assistance Materials for Administrators and Committees on the Handicapped** ***(1984)***

A manual of recommended forms to assist school districts in meeting regulatory responsibilities for special education.

____ **Guidelines for Services to Students with Limited English Proficiency (LEP) and Special Needs in New York State** ***(reprinted 1990)***

This document defines the special education process for culturally and linguistically diverse student populations.

____ ***(UNDER REVISION)*** **Guide to Occupational Education for Students with Handicapping Conditions** ***(1990)***

This manual is designed to provide special education and occupational education administrators and teachers with a summary of information on key issues related to the delivery of appropriate programs to students with disabilities.

____ **New York State Plan for Education of Students with Disabilities (1993 - 1995)**

The New York State Education Department is required to submit a plan for a three-year period covering the years 1993 - 1995 in order to qualify for an "Individuals with Disabilities Education Act (IDEA) Part B" grant award. The document describes policies and procedures that assure the availability of a free appropriate public education for children with disabilities, ages 3 - 21.

Brochures and Other Available Materials

____ ***(UNDER REVISION)*** **Information and Training on the Education of Students with Disabilities**

A description of the services available through local Special Education Training and Resource Centers (SETRC), administered by the Office for Special Education Services (OSES). The brochure includes the addresses and telephone numbers for the local Special Education Training and Resource Centers (SETRC).

____ **Newsbriefs**

Published during the school year, the OSES newsletter contains information about changes in State and Federal legislation and policy which affects the services provided for pupils who require special education, and reports on activities of the Office.

____ **Map of OSES Regional Offices**

This map shows the location of the OSES Regional Offices and the areas they serve. It includes addresses and telephone numbers.

____ **New York State Early Childhood Direction Centers**

A listing of the 15 Direction Center addresses and telephone numbers to assist families of preschool children with disabilities find appropriate services.

____ **Special Education for your Preschool Child (1991)**

This brochure suggests to parents how to get help if they think their preschool child may have a disability.

For information about publications from the New York State Education Department that are not listed above, please contact:

The Publications Sales Desk
The New York State Education Department
Room 171, Education Building Annex
Albany, New York 12234

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ALBANY, NEW YORK 12234

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